CHARTER OF THE
TOWN OF EAST LYME

Sec. 1.4 affects some of these ordinances and resolutions:
Special acts and ordinances or portions thereof inconsistent
with this charter and superseded by it shall have no further
force or effect after the effective date of this charter…
Revised 2014

ORDINANCES

RESOLUTIONS AND
SPECIAL LAWS

Enacted by the General Assembly concerning the
Town of East Lyme will be found together with this index.

REVISIONS THROUGH JANUARY 2014

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CHAPTER 1

INCORPORATION AND GENERAL POWERS

1.1 All of the inhabitants dwelling within the territorial limits of the Town of East Lyme, as said limits now are or may hereafter be constituted by law, shall continue to be a body politic and corporate under the name of "Town of East Lyme," hereinafter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore vested in said town and not inconsistent with the provisions of this charter, the additional powers and privileges herein conferred and all powers and privileges presently or hereafter conferred upon towns under the general laws of the State of Connecticut.

1.2. Rights and Obligations

All property interest, both real and personal, all actions, rights and causes of action and rights of every description and all securities and liens vested or inchoate which the town possesses as of the effective date of this charter shall be continued in said town. The town shall continue to be liable for all debts and obligations of every kind for which the town shall be liable on said date. Nothing herein shall be construed to affect the right of the town to collect any assessments, charge, debt or lien. If any contract has been entered into by said town prior to the effective date of this charter or any bond or undertaking has been given by or in favor of said town which contains a provision that the same may be enforced by any commission, board, department or officer therein named, which is abolished by the provisions of this charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department or officer shall, except as otherwise provided in this charter, thereafter be exercised and discharged by the board of selectmen of said town.

1.3. General Grant of Powers

In addition to all powers granted to the town under the constitution and general statutes, the town shall have all powers granted by this charter, all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management, government, and affairs of the town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision, agency or instrumentality thereof for purposes not prohibited by law. The enumeration of specific powers in this and any other chapter of this charter shall not be construed as limiting this general grant of powers but shall be considered as in addition thereto.

1.4. Effect of Charter: Existing Laws and Ordinances

This charter shall be the organic law of the town in the administration of its local affairs. Special acts and ordinances or portions thereof inconsistent with this charter and superseded by it shall have no further force or effect after the effective date of this charter. Other special acts affecting the town, and all other ordinances and resolutions duly adopted and in force before the effective date of this charter, remain in force.

1.5. Definitions

1.5.1. The term “board” or “boards” as used in this charter shall be deemed to include all boards, commissions, agencies and committees, except as otherwise specified.

1.5.2. The terms “prescribed by law” and “provided by law” as used in this charter shall be deemed to mean prescribed or provided by the general statutes, by charter, and by ordinance.

1.5.3. The term “enact” or “enactment” as used in Chapter 3 of this charter shall be deemed to include the adoption, amendment or repeal of an ordinance.

1.5.4. The term “department” as used in Section 6.3. of this charter shall be deemed to mean each board, commission, committee and agency of the town for which an appropriation was made in the annual budget; each official who is not a member of a board, commission, committee or agency for whom an appropriation was made in the annual budget; each separate function of the town for which the Board of Selectmen is responsible.

CHAPTER 2

ELECTIONS AND ELECTIVE OFFICERS

2.1. Town Elections

2.1.1. A meeting of the electors of the Town of East Lyme, hereafter called “the regular town election”, shall take place on the Tuesday following the first Monday in November, 1965 and biennially thereafter. Special town elections may be called from time to time in accordance with the general statutes.

2.1.2. All elective town officers shall take office on the first Monday of December next succeeding their election and they shall continue in office until their successors have been chosen and have qualified.

2.2. Voting Districts

The number of voting districts in the town shall be as determined by the legislative body as provided by law.

2.3. Eligibility

No person who is not at the time of his election a resident elector of the Town of East Lyme shall be eligible for election to any town office, and any person ceasing to be a resident elector of the town shall thereupon cease to hold elective office in the town and the office shall be deemed vacant. All elective officers shall be sworn before taking office and the officer administering the oath shall record such fact in the office of the town clerk.

2.4. Minority Representation

Membership on all boards provided for by this chapter shall be determined in accordance with the minority representation law as set forth in the general statutes.

2.5. Vacancies in Elective Offices

2.5.1. The Board of Selectmen shall fill by appointment a vacancy in an elective office within thirty days from the time that the office becomes vacant, except as otherwise provided by law.

2.5.2. A vacancy occurring on the Board of Education, Board of Finance, Planning Commission, Zoning Commission and Board of Tax Review shall be filled by vote of the remaining members, including alternate members duly seated as provided by ordinance; but if the vacancy is not filled within thirty days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment within thirty days thereafter.

2.5.3. Vacancies on the Board of Selectmen shall be filled in the manner prescribed by the general statutes.

2.5.4. An appointee to a vacancy in an elective office shall serve until a successor elected at a special election or at the next regular town election qualifies. A person elected at either a special or regular town election to fill an unexpired term shall serve the remainder of the term.

2.5.5. A vacancy occurring among the alternate members of the Planning Commission or the Zoning Commission shall be filled until the next special election or regular Town election by vote of the members of that Commission including any alternate members then serving for absent or disqualified commissioners; but if the vacancy is not filled within thirty days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment within thirty days thereafter.
(As amended 12/2/04)

2.6. Copies of all minutes taken by each board and the recorded vote of each member thereof on all issues shall be filed with the Town Clerk and with the First Selectman within fourteen days of the date on which such actions are taken. The Town Clerk shall maintain files of such minutes, which shall be public records.

2.7. Two-Year Term Offices

2.7.1. At each regular town election there shall be elected a Board of Selectmen, consisting of the First Selectman and five Selectmen. No more than four members of such Board of Selectmen may be members of the same political party. The votes cast for the unsuccessful candidate for First Selectman shall not be counted as votes for him as a member of the Board of Selectmen. These officers shall serve terms of two years and shall have the powers and duties prescribed by law.
(As amended 12/2/04)

2.8. Four-Year Term Offices: Organization: Compensation

2.8.1. At the regular town election in November of 1965 and quadrennially thereafter, there shall be elected a Town Clerk, a Tax Collector, and a Treasurer. The Treasurer shall also exercise the function of the agent of the town deposit fund. These officers shall serve terms of four years and shall have the powers and duties prescribed by law.

2.8.2. Following the transition period of each board, there shall be elected at each biennial town election for terms of four years, one-half of each board authorized by Sections 2.9 through 2.12 inclusive, of this charter. Alternate members of the Planning and Zoning Commissions shall be elected biennially in a ratio of one-third and two-thirds of the members, respectively. (As amended 12/2/04)

2.8.3. Except as otherwise provided in this charter, all boards authorized in this chapter shall meet within thirty days of taking office and shall make

regulations for the conduct of their meetings and the execution of their duties. Such regulations and any amendments thereto shall be filed with the Town Clerk, and shall be public records.

2.8.4. The members of the boards named in Sections 2.9 through 2.12 inclusive of this charter, shall serve without compensation except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose.

2.8.5. At the regular election in November of 1990 and quadrennially thereafter, there shall be elected such number of Registrars of Voters as may be required by the General Statutes, and such number of Justices of the Peace as may be required by Ordinance, or in the absence of an applicable Ordinance, by the General Statutes.

2.9. Board of Education

The Board of Education shall consist of ten members serving four year terms. Such Board shall have the powers and duties prescribed by law.

2.10. Board of Finance

The Board of Finance shall consist of six members serving four year terms. Such Board shall have the powers and duties prescribed by law.

2.11 Planning Commission

The Planning Commission shall consist of six members serving four year terms. Such Commission shall have the powers and duties prescribed by law.

2.12 Zoning Commission

The Zoning Commission shall consist of six members serving four year terms. Such Commission shall have the powers and duties prescribed by law.

2.13 Board of Assessment Appeals

The Board of Assessment Appeals shall consist of five members serving four year terms to be elected in accordance with the transition process described in section 8.2.9.1. Such Board shall have the powers and duties prescribed by law.

2.14 Additional Elective Boards and Commissions

The Board of Selectmen may, by ordinance, create additional boards and shall specify their powers and duties in such ordinance.

2.15 Alternate members of the Planning Commission

Three alternate members of the Planning Commission shall be elected to serve four year terms. Such members shall have the powers and duties prescribed by law. (As amended 12/2/04)

2.16 Alternate members of the Zoning Commission

Three alternate members of the Zoning Commission shall be elected to serve four year terms. Such alternate members shall not be members of the Zoning Board of Appeals or Planning Commission. Such members shall have the powers and duties prescribed by law. (As amended 12/2/04)

CHAPTER 3

BOARD OF SELECTMEN

3.1 Compensation: Other Office-Holding

3.1.1. There shall be a Board of Selectmen consisting of the First Selectman and five Selectmen. The compensation of the First Selectman shall be included in the proposed budget of the Board of Selectmen. Any compensation for the five Selectmen shall be included in the proposed budget of the Board of Selectmen. Necessary expenses incurred in the performance of the duties of the First Selectman and the five Selectmen shall be paid from an appropriation for that purpose.

3.1.2. The First Selectman, during his term of office, shall not hold any civil office which provides compensation, under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of Notary Public.

3.1.3. No member of the Board of Selectmen, during his term of office, shall hold or be appointed to any other office or employment in the government of the town, except as provided hereinafter, and except as may be prescribed by law.

3.2.First Selectman

3.2.1. The First Selectman shall be the chief executive and administrative officer of the town and shall have the powers and duties of First Selectman prescribed by law. He shall be the official head of the town for all ceremonial purposes, for military purposes and for the purpose of receiving civil process. He shall establish and be responsible for the administrative and personnel policies for town offices and employees, with the approval of the Board of Selectmen, and shall execute or cause to be executed the town ordinances, regulations, resolutions and policies voted by the Board of Selectmen. The First Selectman, with the approval of the Board of Selectmen, shall generally supervise the administration of the affairs of the town, except those matters which by the general statutes, by charter, or by ordinance, are exclusively committed to the Board of Education or other boards. He shall preside over meetings of the Board of Selectmen.

3.2.2. Within thirty days after the Board of Selectmen takes office, the First Selectman shall designate each of the other members of the Board of Selectmen as an ex-officio member without vote, of one or more of the town boards. The ex-officio members shall regularly attend the meetings of the boards to which they have been appointed and shall report to such boards and to the Board of Selectmen matters relating to the mutual interests of such bodies.

3.2.3. The First Selectman shall hire and dismiss employees of the town, except employees of the Board of Education and except employees whose employment is otherwise provided by law, and shall give notice of each hiring or dismissal to the Board of Selectmen at its next meeting. Such hiring or dismissal may be overruled only by a majority vote of the Board of Selectmen at its next meeting following such notification.

3.2.4. The First Selectman shall have responsibility for the care, maintenance and operation of all buildings, lands, apparatus and property which are subject to the control of the Board of Selectmen.

3.3.Board of Selectmen, General Powers, Duties and Procedures

3.3.1. The Board of Selectmen shall have the sole power, subject to the requirements of the general statutes and of this charter:

3.3.1.1. to incur indebtedness in the name of the town and to provide for the due execution of contracts and evidences of indebtedness issued by the town;

3.3.1.2. to accept or abandon as a public highway any street or highway situated in the town after approval by the Planning Commission;

3.3.1.3. to institute, prosecute, defend or compromise any legal action or proceeding by or against the town;

3.3.1.4. to enter into contracts for any services and to purchase or to contract to purchase any supplies, materials, equipment and other commodities required by any town agency, except the Board of Finance and except the Board of Education. However, the Board of Education may request the Board of Selectmen to act for it in the making of such contracts and purchases; and the Board of Selectmen may delegate its powers in this Section 3.3.1.4. to any town agency or to the First Selectman;

3.3.1.5. with Board of Finance approval, to purchase real estate, the price of which shall not exceed ten thousand dollars and accept gifts of real estate;

3.3.2. The Board of Selectmen shall have such other powers and duties as are provided for board of selectmen by the general statutes and this charter. The Board of Selectmen shall be the legislative body of the town except as otherwise provided by this charter and may exercise any of the powers conferred on towns by the General Statutes to the extent that such powers are not otherwise granted or limited by this charter.

3.3.3. The Board of Selectmen shall be responsible for coordinating the activities of all the agencies of the town, and for keeping under review the present and future needs of the town. It shall require such reports and joint meetings as may be useful to it in the performance of its duties.

3.3.4. At the first meeting after the Board of Selectmen takes office, a majority of the members shall designate one of their number who shall, until any vacancy is filled in accordance with the general statutes, upon the absence or disability of the First Selectman, preside at meetings of the Board of Selectmen and have such powers and perform such other duties of an absent or disabled First Selectman as the Board of Selectmen may designate by regulation.

3.3.5. The Board of Selectmen shall retain for six years from the time of filing, all minutes and records of the boards which are filed with the Board of Selectmen.

3.3.6. A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business. The Board of Selectmen shall make regulations for the conduct of its meetings and for the execution of its duties, and shall hold regular meetings. Such regulations shall be filed with the Town Clerk and shall be public records.

3.3.7. The Board of Selectmen may, by resolution, delegate to the First Selectman, its obligation to sign the orders of the Board of Selectmen on the Town Treasurer for payment of the expenses of the town. Such delegation may be limited in such manner as the Board of Selectmen may deem advisable.

3.4. Enactment of Ordinances

3.4.1. The Board of Selectmen shall have the power to enact ordinances consistent with the General Statutes and this charter on any matter which the General Statutes or this charter permit to be regulated by ordinance, and in general for the preservation of the order, health, welfare and safety of the town and its inhabitants.

3.4.2. At least one public hearing shall be held by the Board of Selectmen before enacting any proposed ordinance. Notice of a hearing shall be given by publication of the proposed ordinance and of the time and place of the hearing in a newspaper having a general circulation in the town, not less than ten days before the date of such hearing.

3.4.3. Upon enactment of an ordinance, notice thereof shall be given by publication of the official title of the ordinance and its effective date in a newspaper having a general circulation in the town, and by filing with the Town Clerk. Such ordinance shall not become effective sooner than ten days after publication. If, within ten days after such publication, petitions are filed with the clerk carrying the signatures and street addresses of two hundred or more electors requesting a town meeting to act upon overrule of such ordinance, the effective date of such ordinance shall be suspended until such action to overrule is resolved. If such petitions are so filed and verified by the Town Clerk, the Board of Selectmen shall call a special town meeting to be held within twenty days after the date of receipt by the Town Clerk of such petitions, by publication of notice of the time and place of such special town meeting and the full text of such ordinance in a newspaper having a general circulation in the town, not less than five days before the date of such special town meeting. Two hundred electors shall constitute a quorum at such special town meeting, and such ordinance shall be overruled, void and of no effect if a majority of the electors voting at such special town meeting, or if a quorum is present and a majority of the electors present does not vote to overrule such ordinance, such ordinance shall become effective upon publication of the official title of such ordinance in a newspaper having a general circulation in the town.

3.4.4. Wherever publication is required by this section, such publication shall be the responsibility of the First Selectman.

CHAPTER 4

APPOINTIVE BOARDS AND OFFICERS

4.1. Appointments

4.1.1. The Board of Selectmen, within thirty days of taking office shall appoint, as required in Sections 4.2 and 4.3 of this charter, unless otherwise provided by ordinance, the members of all boards and all officers authorized by this chapter. During the last sixty days of their term, the Board of Selectmen may only make appointments to expire on the first Monday of January next succeeding.

4.1.2. Except as provided by law, no person who is not at the time of his appointment a resident elector of the Town of East Lyme shall be eligible for appointment to any town office, under this chapter and any person ceasing to be a resident elector of the town shall thereupon cease to hold appointive office in the town and the office shall be deemed vacant. All appointive officers shall be sworn before taking office and the officer administering the oath shall record such fact in the office of the Town Clerk.

4.2. Terms

4.2.1. The terms of appointment to any board shall be four years, commencing the first Monday of January in the even-numbered years and shall expire at staggered biennial intervals.

4.2.2. The terms and appointment and qualifications for constables shall be determined by ordinance. The Board of Selectmen may appoint such number of special constables as it deems necessary, in accordance with the General Statutes.

4.2.3. Any appointment to the office of Town Director of Emergency Management for the Town of East Lyme shall be for a term of four years.

4.2.4. The terms of appointment of all other officers shall be four years, unless otherwise specified, commencing the first Monday of January, 1966 and quadrennially thereafter.

4.2.5. Any vacancy shall be filled within thirty days by the Board of Selectmen for the unexpired term, unless otherwise provided by ordinance.

4.3. Minority Representation

Membership on all boards named in section 4.5.2. of this charter shall be determined in accordance with the minority representation law as set forth in the general statutes.

4.4. General Powers and Procedures: Records: Compensation

4.4.1. All boards and officers shall have the powers and duties prescribed by law.

4.4.2. All boards shall make regulations for the conduct of their meetings and the execution of their duties. Such regulations and any amendments thereto shall be filed with the Town Clerk and shall be public records.

4.4.3. Copies of all minutes taken by each board and the recorded vote of each member thereof on all issues shall be filed with the Town Clerk and with the First Selectman within fourteen days of the date on which such actions are taken. The Town Clerk shall maintain files of such minutes, which shall be public records.

4.4.4. Board members shall serve without compensation except that necessary expenses incurred in the performance of their duties shall be paid from an appropriation for that purpose. The compensation of individual officers shall be determined by the Board of Selectmen, subject to the provisions of necessary appropriation. The compensation of officers on fee basis shall be determined by the Board of Selectmen in the absence of provision by the General Statutes.

4.5. Appointive Boards

4.5.1. Effective on the first Monday of January, 1966, there is constituted a seven member Parks and Recreation Commission which shall assume all powers, duties and obligations of the McCook Point Park Commission, also known as the Town Park Commission, and the Veterans Memorial Park Committee. Effective on said date, the McCook Point Park Commission and the Veterans Memorial Park Committee are abolished.

4.5.2. The Board of Selectmen shall appoint members to the boards as follows:

Zoning Board of Appeals, five members;
Alternate Zoning Board of Appeals, three members;
Water and Sewer Commission, three members;
Flood and Erosion Control Board, five members;
Parks and Recreation Commission, seven members;
Economic Development Commission, seven members;
Redevelopment Agency, five members;
Building Code Board of Appeals, five members.

4.5.3. The following committees as presently constituted shall continue as agencies of the town:

Town Building Committee
Committee on the Care of Graves and Cemeteries.

4.5.4. The Board of Selectmen may, by ordinance, create boards and specify their powers and duties. The Board of Selectmen may, by ordinance, abolish or consolidate boards and may likewise by ordinance, alter their powers and duties and change their membership.

4.6. Appointive Officers

4.6.1. The Board of Selectmen shall provide for the appointment of the following officers:

Constables
Special Constables (as required)
Dog Warden
Tree Warden
Town Director of Emergency Management

4.6.2. The Board of Selectmen shall appoint such other officers as are required by law and may appoint such other officers as are or may be permitted by law, subject to the provision of necessary appropriation.

4.7. Removal for Cause

4.7.1. An appointed officer or a member of an appointive board may be removed only for cause by the Board of Selectmen.

4.7.2. No such removal for cause shall be effected unless the officer or member has received a statement in writing of the reasons why he should be removed. This statement shall be prepared by the Board of Selectmen. Not less than fifteen days after the delivery of the statement of reasons, an opportunity for a public hearing before the Board of Selectmen must be provided at which time the appointed officer or member may appear with counsel.

CHAPTER 5

ADMINISTRATIVE OFFICERS, AGENCIES AND EMPLOYEES

5.1. Terms and Compensation

All administrative officers, unless otherwise provided in this charter, shall hold office for a term of four years commencing on the first Monday of January in the even numbered years. Their compensation shall not be diminished during their term of office.

5.2. Town Counsel

The Board of Selectmen shall appoint town counsel to furnish such legal services to the town and its agencies as the Board of Selectmen may authorize.

5.3. Assessor

The Board of Selectmen shall appoint for a four year term, commencing on the first Monday in October of an even-numbered year, an assessor who shall have the qualifications, powers and duties prescribed for assessor by the General Statutes, by special act and by ordinance.

5.4. Director of Health

The Board of Selectmen shall appoint a Director of Health for a term of four years, who shall have the powers and duties prescribed by law or alternatively the Board of Selectmen may vote to join a District Department of Health as authorized by the Connecticut General Statutes.

5.5. Building Official

The Board of Selectmen shall appoint a Building Official for a term of four years, who shall have the powers and duties prescribed by law.

5.6. Building Inspector

The Board of Selectmen shall appoint a Building Inspector for a term of four years, who shall have the powers and duties prescribed by law.

5.7. Fire Marshal

The Board of Selectmen shall appoint for a term of four years, a Fire Marshal and may appoint for the same term, Deputy Fire Marshals. They shall have the powers and duties prescribed by law.

5.8. Town Meeting Moderator

The Board of Selectmen shall appoint for a term of two years, a Town Meeting Moderator and a Deputy Town Meeting Moderator who shall have the powers and duties prescribed by law. Said appointees shall not be of the same political party.

5.9. Other Administrative Officers

The Board of Selectmen shall appoint such other officers as are required and may appoint such other officers as are, or may be permitted by law, subject to the provisions of necessary appropriation.

CHAPTER 6

FINANCE AND TAXATION

6.1. Preparation of the Budget

6.1.1. At such time and in such manner as the Board of Selectmen may require, but not less than ninety (90) days prior to the annual town meeting, every agency and department supported wholly or in part by town revenues, or for which a specific appropriation is or may be made shall present to the Board of Selectmen an itemized estimate of the expenditures to be made by that agency or department and all the revenue, other than town appropriations, fees and contributions to be received by it during the ensuing fiscal year. The Board of Selectmen may direct that any of such agencies or departments furnish such additional reports and information as the Board of Selectmen deems advisable with respect to any of such estimates. The Board of Selectmen shall examine such estimates and such additional reports and information as shall be furnished by such agencies and departments. The Board of Selectmen, after considering the financial condition of the town and the appropriateness and amount of the proposed expenditures, may eliminate, reduce, or increase any estimated expenditure of any agency or departments except the Board of Education.

6.1.2. At such time and in such manner as the Board of Finance may by regulation require, but not less than sixty (60) days prior to the annual town meeting, the Board of Selectmen shall present to the Board of Finance the itemized estimates of the expenditures to be made by the Board of Education and the revenue, other than town appropriations, fees and contributions to be received by the Board of Education, in the same form as said estimates were presented to the Board of Selectmen, together with such comments and recommendations as the Board of Selectmen deems advisable with respect to any of such estimates. At that time and in such manner as the Board of Finance may by regulation require, the Board of Selectmen shall also present to the Board of Finance the itemized estimates of the expenditures to be made by each agency and department except the Board of Education, as adjusted by the Board of Selectmen pursuant to Section 6.1.1. of this charter, and the revenue, other than town appropriations, fees and contributions to be received by each such agency and department.

6.1.3. The Board of Finance shall upon request afford each agency and department an opportunity for a hearing on the proposed budget of such agency or department, first giving notice to the Board of Selectmen with respect to the hearing on the proposed budget of each agency and department.

6.1.4. The Board of Finance shall hold one or more public hearings concerning the proposed town budget, one of such hearings to be held not less than fourteen (14) days before the annual town meeting, at which hearings any person qualified to vote at the annual town meeting shall have an opportunity to be heard. The Board of Finance may then revise the proposed town budget as it deems advisable, and it may, by a vote of two-thirds of its members, restore any itemized expenditures eliminated or reduced by the Board of Selectmen. The proposed town budget may include a contingency fund established in accordance with the general statutes and, an appropriation to any fund for capital and non-recurring expenditures which may be established in accordance with the general statutes, and may provide for the payment of any part of the debts of the town. The proposed town budget shall also include estimates of the revenue to the town from all sources for the ensuing year, including taxes to be raised on the last completed grand list. The Board of Finance shall present the budget to the annual town meeting.

6.1.5. The Board of Finance shall make available copies of the proposed town budget in the office of the First Selectman not less than four (4) days before the public hearing. It shall, before the annual town meeting, publish the proposed town budget in a newspaper of general circulation in the town and make available the proposed town budget and any other reports prescribed by law.

6.1.6. The adoption of the annual town budget shall be in accordance with the provisions of Section 7.3. of this charter.

6.2. Laying and Collection of Taxes

6.2.1. Within thirty (30) days after the Board of Assessment Appeals has completed its duties and the grand list has been completed, or within thirty (30) days after adoption of the town budget if a uniform fiscal year has been adopted by the town in accordance with the General Statutes, the Board of Finance shall meet and shall lay such tax on the last completed grand list as is required by the General Statutes.

6.2.2. The Tax Collector shall then collect the tax in accordance with the General Statutes. The due date shall be July 15th unless otherwise provided by the town in accordance with the General Statutes.

6.3. Special Appropriations and Transfers of Appropriations

6.3.1. The Board of Selectmen, when requested by any town department and after approval by the Board of Finance, may make special appropriations from cash surplus or any approved contingency fund in amounts not to exceed in the aggregate in any one fiscal year, ten per cent of the amount appropriated for such department in the current town budget or ten thousand dollars, whichever shall be less. The Board of Selectmen, when requested by any town department and after approval by the Board of Finance, may also transfer unexpended balances from one appropriation to another in accordance with the General Statutes. The Board of Education may transfer unexpended balances from one appropriation to another in accordance with the General Statutes.

6.3.2. Any request by any town department for a special appropriation which shall exceed the amount which the Board of Selectmen is empowered by Section 6.3.1. of this charter to appropriate for that department in any one fiscal year, shall be acted upon by town meeting after approval by the Board of Finance, which approval shall include the authority, by a two-thirds vote of all its members to restore any request eliminated or reduced by the Board of Selectmen pursuant to Section 6.3.4. of this charter.

6.3.3. Special appropriations other than those from cash surplus or any approved contingency fund may be acted upon only by a special town meeting after approval by the Board of Finance.

6.3.4. All requests for special appropriations and transfers of unexpended funds shall be made in writing to the Board of Selectmen. The Board of Selectmen shall, within ten (10) days after receipt thereof, forward such requests together with such comments and recommendations as the Board of Selectmen deems advisable, to the Board of Finance; provided, however, that with respect to requests from departments other than the Board of Education, the Board of Selectmen may, after considering the financial condition of the town and the appropriateness and amount of the request, eliminate, reduce or increase the amount of the request after prior notices to the department making the request and an opportunity for the department to submit such reports and information as it deems advisable, and for that purpose may delay for a reasonable time but not more than twenty (20) additional days the forwarding of the request to the Board of Finance. The Board of Finance shall act on all requests for special appropriations or transfers of unexpended funds within thirty (30) days after receipt thereof and shall immediately after acting advise the department making such request and the Board of Selectmen of its action. The Board of Selectmen shall act on such requests within ten (10) days after notice of approval of such requests by the Board of Finance and shall immediately advise the department making such requests of its action.

6.3.5. The provisions of Section 6.3 of this charter shall not be a limitation on the power of the town to issue bonds or other obligations for appropriations or

indebtedness in accordance with the general statutes and Section 7.5. of this charter. The Board of Finance shall recommend the methods for financing a capital expenditure.

6.4. Accounting and Expenditures

6.4.1. The fiscal year of the town shall begin on July 1st and end on June 30th. The fiscal year may be adjusted by town meeting action in accordance with the General Statutes.

6.4.2. The system of accounts used by the town agencies and departments shall be that prescribed by the General Statutes as supplemented by the regulations of the Board of Finance. All regulations of the Board of Finance shall be consistent with this charter and the powers and duties of other town agencies and departments, and shall be complied with by all town agencies and departments.

6.4.3. The Board of Finance shall provide for an annual audit of the books and accounts of the town as required by the General Statutes.

CHAPTER 7

TOWN MEETINGS

7.1. Annual and Special Town Meetings

7.1.1. The annual town meeting, which shall also be the annual budget meeting, shall be held on the second Monday in May. It may be adjourned from time to time, or the date may be changed by ordinance. Special meetings shall be called by the Board of Selectmen in the manner provided by the General Statutes whenever they deem it necessary, or on application by persons qualified to vote in town meetings, the number of such persons to be not less than two percent (2%) of the total electors of the town as determined from the official list of electors most recently filed with the Town Clerk by the Registrars of Voters.

7.1.2 The matters which the applicants for a special town meeting desire to be acted upon shall, if proper subjects for town meeting action, be put in proper form for the call of the meeting and for a town meeting resolution with the assistance of Town Counsel, and those matters shall be the first items in the call of the meeting. The Board of Selectmen may, at its discretion, add other matters to the call of the meeting.

7.1.3 Five hundred or more persons or five percent (5%) of the total number qualified to vote in town meetings, whichever is less, may petition the town clerk, in writing, at least twenty-four hours prior to any town meeting, requesting that any item or items on the call of such meeting be submitted to the persons qualified to vote in such meeting not less than seven nor more than fourteen days thereafter, on a day to be set by the town meeting or, if the town meeting does not set a date, by the town selectmen, for a “Yes” or “No” vote on the voting machines. Except as provided herein, the manner of conducting such adjourned town meeting shall be as provided by the General Statutes. (As amended 12/2/04)

7.2. Organization and Procedure

7.2.1. The Moderator, or in his absence, the Deputy Moderator, shall preside at town meetings. If both are absent, the meeting shall choose a moderator. The Town Clerk or Assistant Town Clerk shall serve as clerk. In their absence the meeting shall choose a clerk.

7.2.2. Electors of the town and other persons qualified by the General Statutes, may vote at town meetings, unless otherwise provided by this charter. Town meeting action shall be by majority vote of those present and voting unless otherwise provided by this charter.

7.3. Annual Budget

The annual budget meeting shall be limited to a public presentation of the town of East Lyme Budget by the Board of Finance, Board of Selectmen and Board of Education with an opportunity for public participation by comments and questions. After reasonable discussion, the moderator shall adjourn the meeting to a referendum on the voting machines. The budget resolution will be submitted to the persons qualified to vote in a town meeting by referendum by machine vote which shall take place on the Thursday in May which is ten days after the annual budget meeting. At least five (5) days prior to such referendum, the Board of Selectmen shall publish in a newspaper having a general circulation in the town a notice of such referendum, setting forth the date on which, the hours during which, and the location at which the referendum will be held and the text of the questions as they will appear on the voting machines.

The text shall provide for approval/disapproval of the Budget of the Town of East Lyme.

1. Shall the budget for the fiscal year July 1, _____ to June 30, _____as recommended by the Board of Finance be adopted.

Yes _____ No _____

Should the budget fail to be approved by a majority of those voting thereon, the Board of Finance shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels and automatically submit the revised budget to a referendum 14 days following the date the initial budget referendum was defeated. The Board of Finance shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget for consideration. This process shall be repeated at two (2) week succeeding intervals until such time as the budget is adopted.

In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

7.4. Special Appropriations

A special appropriation or a payment into or appropriation from any reserve fund for capital and non-recurring expenditures, requiring town meeting approval in accordance with Section 6.3. of this charter, may be decreased by the town meeting, but may not be increased. A town meeting may make no special appropriation not recommended by the Board of Finance.

7.5. Appropriations and Borrowing

Any request by any town department for a special appropriation which shall exceed the amount which the Board of Selectmen is empowered by Section 6.3. of this charter to appropriate for that department in any one fiscal year, and any resolution authorizing the issuance of bonds or notes shall be placed on the call of a town meeting for action thereon.

7.6. Overrule of an Ordinance Enactment

A special town meeting shall be called on application, as provided in Section 3.4.3. of this charter, to consider the overrule of an ordinance enactment. Two hundred electors shall constitute a quorum at such special town meeting and such ordinance shall be overruled, void, and of no effect if a majority of the electors voting at such special town meeting vote to overrule such ordinance.

7.7. Sale or Purchase of Real Estate

The sale of real estate or the purchase of real estate the price of which is over ten thousand dollars, shall require approval of a town meeting.

CHAPTER 8

TRANSITION AND MISCELLANEOUS

8.1. Effective Date

The effective date of this charter shall be July 1, 1965. Between the effective date of this charter and the first Monday of December, 1965, all officers and boards shall have those powers and duties which they had prior to the adoption of this charter, unless otherwise specified.

8.2. Transition

8.2.1. During the transition period, all elective terms that expire in October of any year shall, unless otherwise specified in Section 8.2. of this charter, be extended to the first Monday in December of that year, when their successors, who have been elected in November of that year, will take office.

8.2.2. The terms of the Board of Selectmen elected at the town election in October 1963 shall be extended until the first Monday in December 1965 and the members shall have only those powers and duties which they had prior to the adoption of this charter.

8.2.3. The terms of the Town Clerk and the Town Treasurer elected at the town election in November 1965, which begin the first Monday of January 1966, shall continue until the first Monday in December 1969.

8.2.4. The term of the Tax Collector elected at the town election in October 1963 shall be extended until the first Monday in December 1965.

8.2.4. The term of the agent of the town deposit fund elected at the regular town election in October 1963 shall be extended until the first Monday in December 1965. Effective on the first Monday in December 1965, such office is abolished and the functions of that office shall thereafter be exercised by the Town Treasurer.

8.2.5. The term of the Assessor holding office on the effective date of this charter shall continue until the first Monday of October 1966.

8.2.6. The three terms of the Board of Education that expire in October 1965 shall be extended until the first Monday in December 1967. One additional member shall be elected in November 1965 for a two year term, to expire on the first Monday in December 1967. The three terms that expire in October 1967 shall be extended until the first Monday in December 1967. The seven terms that expire in December 1967 shall be filled in the following manner: in November 1967, five members shall be elected for a four-year term and two members for a two-year term. The three terms that expire in October 1969 shall be extended to the first Monday in December 1969. The five terms that expire in December 1969 shall be filled by election in November 1969 for four-year terms.

8.2.7. The two terms of the Board of Finance that expire in October 1965 shall be extended to the first Monday in December 1965 and shall be filled in the election in November 1965 in the following manner: one member shall be elected for a four-year term and one member for a two-year term. The two terms that expire in October 1967 shall be extended to the first Monday in December 1967. The three terms that expire in December 1967 shall be filled in the election in November 1967 by election for four-year terms. The two terms that expire in October 1969 shall be extended to the first Monday in December 1969. The three terms that expire in December 1969 shall be filled in the election in November 1969 for four-year terms.

8.2.8. The one term of the Board of Tax Review that expires in October 1965 shall be extended to the first Monday in December 1967. The two terms which expire in October 1967 shall be extended to the first Monday in December 1967. All terms which expire in December 1967 shall be filled by election in November 1967 for four-year terms.

8.2.9.1. Upon the increase of the membership of the Board of Tax Review to five members, the Board of Selectmen shall appoint two additional members to serve until the first Monday of December 1991. At the election in November 1991 all five terms shall be filled, the two terms which were filled by the Board of Selectmen shall be filled for two-year terms and the three other terms shall be filled for four-year terms. Upon the expiration of each of the terms thereafter, it shall be filled for a four-year term.

8.2.10 The terms of the Zoning Commission and the terms of the Planning Commission shall each be filled in the following manner: the one term expiring in October 1965 shall be extended to the first Monday in December 1965 and shall be filled by election in November 1965 for a four-year term. One additional member shall be elected in November 1965 for a two-year term. The one term expiring in October 1966 shall be extended to the first Monday in December 1967. The one term expiring in October 1967 shall be extended to the first Monday in December 1967. The three terms that expire in December 1967 shall be filled by election in November 1967 for four-year terms. The term expiring in October 1968 shall be extended to the first Monday in December 1969. The term that expires in October 1969 shall be extended to the first Monday in December 1969. The three

terms that expire in December 1969 shall be filled by election in November 1969 for four-year terms.

8.2.11. The terms of the Zoning Board of Appeals shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966. The term expiring in January 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1967 shall be extended to January 1968. All terms expiring in January 1968 shall be filled by appointment for four years. The five-year term that expires at the annual town meeting in 1969 shall be extended to January 1970. The terms expiring in January 1970 shall be filled by appointment for four years.

8.2.12. All terms of the Alternate Zoning Board of Appeals shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966. The term expiring in January 1966 shall be filled by appointment for four years. The terms expiring at the annual town meetings in 1966 and 1967 shall be extended to January 1968. The terms expiring in January 1968 shall be filled by appointment for four years.

8.2.13. All terms of the Building Code Board of Appeals shall be filled by appointment in the following manner: the term expiring in 1966 shall be filled by appointment to January 1968: The term expiring in 1967 shall be extended to January 1968. All terms expiring in January 1968 shall be filled by appointment for four years. The term expiring in 1968 shall be filled by appointment to January 1970. The term expiring in 1969 shall be extended to January 1970. All terms expiring in January 1970 shall be filled by appointment for four years.

8.2.14. All terms of the Water Commission shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966 and shall be filled by appointment for four years. The terms expiring at the annual town meetings in 1966 and 1967 shall be extended to January 1968. The terms expiring in January 1968 shall be filled by appointment for four years.

8.2.15. The terms of the Flood and Erosion Control Board shall be filled by appointment in the following manner: the term expiring at the annual town meeting in 1965 shall be extended to January 1966. The term expiring in January 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1966 shall be filled by appointment to January 1968. The term expiring at the annual town meeting in 1967 shall be extended to January 1968. All terms expiring in January 1968 shall be filled by appointment for four years. The five-year term that expires at the annual town meeting in 1969 shall be extended to January 1970. The terms expiring in January 1970 shall be filled by appointment for four years.

8.2.16. The Parks and Recreation Commission shall be appointed in the following manner: in January 1966, three terms shall be filled by appointment for two years and four terms shall be filled by appointment for four years. The three terms expiring in January 1968 shall be filled by appointment for four years.

8.2.17. The terms of the Industrial and Development Commission shall be filled by appointment in the following manner: the three terms that expire in January 1966 shall be filled by appointment for two years. The term that expires in January 1967 shall be filled by appointment for three years. The four terms that expire in January

1968 shall be filled by appointment for four years. The term that expires in January 1969 shall be filled by appointment for one year. The three terms that expire in January 1970 shall be filled by appointment for four years.

8.2.18. The Board of Selectmen shall, by ordinance, provide for the orderly transition of the terms of members of the Redevelopment Agency to comply with Section 4.2.1. of this charter.

8.2.19. The terms of the constables elected in October 1963 shall be extended until the first Monday in April 1966.

8.2.20. The term of the Tree Warden that expires in October 1965 shall be extended to the first Monday of January 1966.

8.2.21. The term of the Dog Warden which is filled in April 1966, shall be filled for a term ending on the first Monday of January, 1970.

8.3. Financial Interest Prohibited

No town officer shall derive any financial benefit from any transaction with the board of which he is a member or with the office which he holds, unless he disqualifies himself from discussion and decision thereon; if such officer is not a member of a board, he shall notify in writing the Board of Selectmen of such benefit.

8.4. Amendments to the Charter

This charter may be amended in the manner prescribed by the General Statutes.

8.5. Saving Clause

If any section of this charter shall be held invalid by a court of competent jurisdiction, such invalidation shall not affect the remainder of this charter nor the context in which such section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such invalidation shall directly apply.

ORDINANCES RESOLUTIONS AND

SPECIAL LAWS OF THE

TOWN OF EAST LYME

Revised – Through January 22, 2014

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RESOLUTION REGARDING RESTRICTIONS IMPOSED ON SALARIED TOWN OFFICIALS AND EMPLOYEES IN THE TOWN OF EAST LYME

That no salaried Town Official or employee shall receive from the Town compensation for the use of equipment owned by said official or employee in town work or sale of material.

September 26, 1932 TM Volume 5, page 38

RESOLUTION REGARDING THE AUTHORIZATION OF THE TOWN OF EAST LYME TO CONSTRUCT A WATER SYSTEM

Resolved that the provision of House Bill No. 863 as passed by the General Assembly of 1941, authorizing the Town of East Lyme to construct a water system, be adopted.

October 6, 1941 TM Volume 5, page 327

RESOLUTION CONCERNING SALE OF LIQUOR ON SUNDAY IN THE TOWN OF EAST LYME

Resolution to allow the sale of alcoholic liquor on Sunday in the Town of East Lyme as permitted by the General Statutes of the State of Connecticut in all places operated under hotel, restaurant and club permits as issued by the Liquor Control Commission of the State of Connecticut.

December 12, 1938 TM Volume 5, page 244

ORDINANCE CONCERNING CONSUMPTION OF ALCOHOLIC LIQUOR

1. No person shall consume alcoholic liquor, as defined in the Connecticut General Statutes, in any of the following areas in the Town of East Lyme, either inside a motor vehicle or otherwise:

1.1. In any part of the Town designated as a commercial district by the East Lyme Zoning Commission, except as follows:

1.1.1. In accordance with the provisions of a permit granted therefor by the Connecticut Liquor Control Commission.

1.1.2. On any residential property.

1.2. On any property owned by the Town, except that:

1.2.1. At McCook Point Park and Beach, alcoholic liquor may be consumed in accordance with the ordinance entitled “Ordinance Concerning Areas Under Jurisdiction of Parks & Recreation Commission”.

1.2.2. The Board of Selectmen may grant a special permit for the consumption of alcoholic liquor to any nonprofit organization on the following terms and conditions:

1.2.2.1. Such organization shall demonstrate that there will be no disorderly assembly, disturbing noise, traffic control problem or interference with the peace and safety of the inhabitants of the Town.

1.2.2.2. Such organization may be required to show evidence of financial responsibility and insurance, and to post a bond sufficient to indemnify the Town for any expenses resulting from the use of such permit.

1.2.2.3. The grant of such permit shall be subject to compliance with the provisions of the Connecticut General Statutes relating to alcoholic liquor.

1.2.2.4. Such permit may be revoked at any time when, in the opinion of the Board of Selectmen or its agent, the provisions of this ordinance have been violated.

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2. Any person violating any provisions of this ordinance shall be fined not more than one hundred dollars ($100.00).

August 26, 1975	TM Volume 12, page 139
November 19, 1998	TM Volume 21, page 605 Amended

RESOLUTION ON AGREEMENTS WITH THE TOWN OF EAST LYME FOR WATER SERVICE

RESOLVED: To permit owners of real property, which property abuts on existing water lines belonging to said Town, to connect with and draw water from said lines, provided, however, that each such property owner, applying for such permission, shall enter into an agreement with said Town, which agreement shall provide, in addition to such other provisions as the Selectmen may deem necessary, the following:

(a) that said property owner shall pay all charges incurred in connecting with said water line and a reasonable amount for the water used by said property owner.
(b) that said Town of East Lyme shall be relieved of all and any liability or obligation in the event of the failure by said town to furnish water.
(c) that said Town may terminate said agreement to furnish water upon thirty (30) days written notice.

(d) that any authority granted by said Selectmen and all agreements entered into by said Board of Selectmen shall terminate at such time as the said Town of East Lyme by ordinance, or otherwise, shall establish a Board of Water Commissioners.

Amendment adopted at said meeting: That the Crescent Beach Association be considered an individual and allowed to connect with the water system for fire hydrants for fire protection only.

Amendment adopted at said meeting: That the Auditor make an annual report of the income and expenditures in connection with said water system and that said report shall include the name of each property owner attached to said water line and the amount paid by each property owner attached thereto.

March 5, 1945 TM Volume 6, page 8

REGULATION ESTABLISHING FEES FOR DISPOSAL OF WASTE AT LANDFILL

Pursuant to the authority granted to the Board of Selectmen, the following schedule of fees for the disposal of waste at the Town landfill is established, to become effective upon publication:

1. Demolition material including waste from remodeling and construction projects and sites, & all oversize household items and tree stumps. $110.00 per ton applied as follows:

a. per each 20 pound multiple or portion thereof as determined by the Town's weighing system	$ 1.10
b. minimum charge	$ 5.00
2. Asphalt and non-reinforced concrete per 100 lbs	$1.00
3. Automobile and light truck tires (each)	$1.50
4. Heavy truck tires (each)	$5.00
5. Tires from earth-moving equipment (each)	$100.00
6. Refrigeration appliances containing CFC's (Non commercial only)	$10.00 each
7. Brush: $40.00 portion, applied as follows:	
a. For each 20 pound multiple or portion thereof as defined by the Town's weighing system	$ 0.40

Regulations shall become effective ten days after publication.

November 21, 1988	TM Vol 16, page 265
Amended October 5, 1994	TM Vol 20, page 237 (#3)
Amended November 16, 1994	TM Vol 20, page 239 (#7)
Amended November 16, 1994	TM Vol 20, page 240 (#8)
Amended October 5, 1995	TM Vol 21, page 101 (#9)
Amended January 17, 1996	TM Vol 21, page 157
Amended April 9, 2001	TM Vol 22, page 79

Amended February 23, 2003 TM Vol 22, page 248
Amended March 23, 2003 TM Vol 22, page 261

REGULATION ESTABLISHING REGISTRATION FEE FOR REFUSE COLLECTORS

Pursuant to the authority granted to the Board of Selectmen, the following registration fee for Refuse Collectors is established: $75.00 per year

This regulation shall become effective ten days after publication.

Nov. 21, 1988 TM Volume 16, page 266

REGULATIONS CONCERNING DESIGNATION OF RECYCLABLE MATERIALS

Pursuant to the Ordinance entitled, "Ordinance Regulating the Storage, Collection and Disposal of Solid Waste and Providing for a System of Refuse Collection and Disposal and the Administration Thereof", the following regulations are enacted by the Board of Selectmen, to become effective on publication:

The following materials are designated as "Recyclable Materials", which shall be separated from solid waste and shall be set out for collection or delivered to a collection point as provided by the Ordinance:

Cardboard
Glass food and beverage containers
Leaves and other yard waste
Metal food and beverage containers
Newspaper and magazines
Office paper
Scrap metal
Storage batteries
Waste oil

The above terms shall have the meanings given them in the Connecticut Regulations of State Agencies, Section 22a-241b-1.

December 8, 1990 TM Volume 17, page 396

BATHING AND DRESSING ORDINANCE

Section 1. No person shall bathe in any public place or be upon any bathing beach or upon any highway in the Town of East Lyme without being properly clothed.

Section 2. No person shall dress or undress on any highway or in any public place or in an automobile in any public place or on any private property without the owner's permission.

Section 3. No person shall sleep in any motor vehicle or use such vehicle for sleeping quarters when said vehicle is on any highway or in any public parking place in said Town of East Lyme.

Section 4. No person shall sleep or make one's bed on any public ground, beach, park, or highway within said Town of East Lyme.

Section 5. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined not more than twenty-five dollars ($25.00).

August 4, 1947 TM Volume 6, page 103

RESOLUTION ADOPTING ZONING ENABLING ACT

To adopt the provisions of the Zoning Enabling Act entitled "Public Act No. 418 enacted by the General Assembly" which act becomes effective October 1, 1947.

September 29, 1947 TM Volume 6, page 113

RESOLUTION ESTABLISHING ZONING COMMISSION

(Superseded by Charter Provisions adopted November, 1964.)

October 6, 1947 TM Volume 6, page 126

RESOLUTION ESTABLISHING A BOARD OF FINANCE IN THE TOWN OF EAST LYME

RESOLVED, that the Town of East Lyme, pursuant to the provisions of Chapter 28 of the General Statutes, Rev. of 1930, as amended, establish a Board of Finance in said Town of East Lyme with all the rights and powers conferred, and duties and obligations imposed by the General Statutes upon Boards of Finance.

March 3, 1947 TM Volume 6, page 94

RESOLUTION REGARDING ESTABLISHMENT OF A RESIDENT STATE POLICEMAN IN THE TOWN OF EAST LYME

To authorize and empower the Selectmen to enter into contracts or other agreements with the State of Connecticut, or the officials thereof, as may be necessary for the establishment of a resident State Policeman in the Town of East Lyme.

November 18, 1947 TM Volume 6, page 146

RESOLUTION ADOPTING THE PROVISIONS OF THE MUNICIPAL PLANNING ACT

RESOLVED: Adoption of the Resolution Adopting the Provisions of the Municipal Planning Act or Commission as is set out by Chapter 45 of the General Statutes of the State of Connecticut, Rev. of 1949, Sections 853 through 862 inclusive.

June 7, 1951 TM Volume 6, page 295

BY-LAW DETERMINING TERMS AND QUALIFICATIONS

OF MEMBERS OF PLANNING COMMISSION

See Separate Booklet on Planning Regulations
Superseded by Town Charter adopted November, 1964

June 7, 1951 TM Volume 6, page 295

BY-LAW ESTABLISHING A ZONING BOARD OF APPEALS AND PROVIDING FOR DETERMINATIONS OF TERMS AND QUALIFICATIONS OF MEMBERS

Superseded by Town Charter adopted November, 1964

October 22, 1951 TM Volume 6, page 330

RESOLUTION CONCERNING ASSESSOR IN THE TOWN OF EAST LYME

Resolution: To accept House Bill No. 102 of the General Assembly of the State of Connecticut, which Bill provides for the appointment of an Assessor and for the filing of assessment lists in the Town of East Lyme.

June 7, 1951 TM Volume 6, page 295

RESOLUTION DESIGNATING THE FIRST SELECTMAN AS TOWN AGENT TO ACT AS CHIEF OF POLICE

That the elected First Selectman as Town Agent shall act as Chief of Police and exercise such authority as is necessary for the protection of and for the best interest of the Town of East Lyme, as has been customary in the past.

February 7, 1952 TM Volume 6, page 347

ORDINANCE PROVIDING FOR ELECTION OF ALTERNATE MEMBERS OF ZONING BOARD OF APPEALS

Superseded by Town Charter adopted November, 1964

August 31, 1959 TM Volume 8, page 29
Notice of Adoption TM Volume 8, page 63

ORDINANCE PROVIDING FOR THE APPOINTMENT OF A DEVELOPMENT AND INDUSTRIAL COMMISSION

November 15, 1961 TM Volume 8, page 236
Notice of Adoption TM Volume 8, page 240
For Change of Name of Commission see TM Volume 9, page

188: Extract from Selectmen's Minutes:

February 17, 1966 Town Counsel reported that it was the intent of the General Assembly under Public Act 245 to change all Industrial and Development Commission names to Economic Development Commission.

Superseded by Town Charter adopted November, 1964

ORDINANCE PROVIDING FOR PARTICIPATION BY THE TOWN OF EAST LYME IN THE REGIONAL PLANNING AUTHORITY

Section 1. Pursuant to the provisions of Section 1 of Public Act 613 of the January, 1959 Session of the General Assembly, the Town of East Lyme, having a duly constituted Planning Commission, established pursuant to the provisions of the General Statutes, hereby adopts Public Act 613 of the January 1959 session of the General Assembly, and joins the Regional Planning Authority for the Southeastern Connecticut Planning Region as defined by the Connecticut Development Commission under the provisions of the General Statutes.

Section 2. The Town of East Lyme, having a population of approximately 5,000 shall have two representatives on the Board of the Authority who shall be appointed as follows:

The Planning Commission is hereby authorized to appoint to the Board of the Authority two electors of the Town of East Lyme in the following manner: one member to serve two years and one member to serve one year. Thereafter all appointments shall be made for a period of two years, except that, in the event any appointee ceases to be a member of the Authority for any reason other than expiration of his term, the Planning Commission shall make an appointment for the unexpired portion of that term. Appointees under this section shall continue to serve after expiration of their term until their successors are appointed and take office. Appointees may be reappointed for successive terms. Terms of office of initial appointees shall commence upon establishment of said Authority.

Section 3. This ordinance shall become effective on April 30, 1960.

April 18, 1960	TM Volume 8, page 88
March 15, 1977	TM Volume 12, page 331 Amended

PUBLIC LIBRARY BY-LAW

That the following by-law of the town is hereby adopted to be known as the public library by-law. The Town Treasurer of said town is directed to pay to any person authorized by the managers of the Niantic Public Library Association to receive the same, one hundred dollars ($100.00) annually so long as and no longer than said Association shall maintain a public library free to all the inhabitants of this town.

September 26, 1910	TM Volume 3, page 370

ORDINANCE CONCERNING WATER RATES

1. All rates charged for water supplied by the Town of East Lyme shall be and remain a lien upon the buildings and land in connection with which said water shall have been used by the owner or occupant thereof until such rates, interest, shut-off charges and lien fees have been paid; and the Water Commission shall have authority and responsibility to foreclose such liens in the name of the Town.
2. Such lien shall not continue to exist for a period longer than one (1) year after said rates become due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the reason on account of which it is claimed, and the amount claimed by the Town as a lien shall be filed in the East Lyme Land Records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme Land Records.
3. Any such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid water rates, interest at twelve per cent (12%) per annum upon the unpaid water rates from the date of filing, a shut-off fee (as set forth in paragraph five (5) hereafter) and a lien fee, which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for the recording and release of such lien.
4. The Water Commission shall have the right to shut off water from the premises where the water rates remain unpaid thirty (30) days after date of mailing of bill to the owner or occupant. If so turned off, the water shall not be turned on again without payment of all unpaid rates, interest, lien fees and a shut-off fee in such amount as shall from time to time be established by the Commission, said amount to reasonably reflect the costs incurred in making said shut-off and resumption of service.

November 14, 1962	TM Volume 8, page 304
February 6, 1975	TM Volume 12, page 73 Amended
March 22, 1979	TM Volume 13, page 196 Amended

ORDINANCE REGULATING EXCAVATIONS, CUTS, FILL AND CHANGE OF GRADE IN PUBLIC HIGHWAYS

(a) No person shall excavate in, fill, cut or change the grade of or cause any excavation, fill, cut or change of grade to be made of any highway or street maintained by the Town of East Lyme without first having obtained a permit so to do from the Selectmen of the Town of East Lyme.

(b) No permit to excavate, fill, cut or change the grade of any such highway or street shall be granted to any person until he shall have filed with the Selectmen a surety bond in an amount equal to the cost, as estimated by the Selectmen, of the restoration of any such highway or street to as good a condition as it was before such excavation, fill, cut or change of grade, with the same surface material and that he will comply with the plan of the work to be done, as filed with and approved by the Selectmen, and also that such person shall have given the Selectmen satisfactory evidence of insurance protecting both the Town and the permittee against personal injuries and property damage in an amount to be determined by the Selectmen depending upon the location, amount of traffic, estimated length of time the work will require, type

of material to be excavated or cut and any other conditions which might affect the risk involved.

(c) As used herein highway or street shall include any portion of the entire width of the right of way, including the traveled portion, the shoulders of any unimproved or undeveloped portion of the highway or street.

(d) This ordinance shall not apply to work being done by or on behalf of the Town of East Lyme.

(e) Any person who violates this ordinance may be fined not more than one hundred dollars ($100.00) a day for each day that a violation shall exist.

January 28, 1965 TM Volume 9, page 94

ORDINANCE CONCERNING CHANGES IN GRADE, EXCAVATING, PAVING AND FILLING

1. No person shall change the grade of any land, or excavate, pave or fill any land in such a manner as to cause surface water to drain from said land to the highway in such amounts or in such locations as to interfere with public travel, damage the highway, collect on the highway or drain from the highway on to land of any other person.
2. No person shall change the grade of any land or excavate, pave or fill any land in such a manner as to cause surface water to drain from said land to the highway, without first obtaining a permit from the First Selectman. No such permit shall be granted until and unless the First Selectman shall determine that the work proposed will not violate paragraph 1 of this ordinance.
3. Applications for such permits shall be made in such manner and form as shall be determined by the First Selectman. Where in his opinion the interests of the Town make it advisable, the First Selectman may require an engineering plan and profile at the expense of the applicant, and may require the posting of a surety bond in an amount sufficient to protect the Town.
4. Any person claiming to be aggrieved by the action of the First Selectman hereunder may appeal therefrom to the Board of Selectmen within thirty (30) days from the date of the action appealed from. The appeal shall be made in such manner and form as shall be determined by the Board of Selectmen, which shall, within thirty (30) days from the date of the appeal, hold a public hearing thereon, first giving such notice as it shall consider sufficient to all interested parties. The Board of Selectmen may approve, disapprove or modify the action appealed from or take such other action as it shall consider appropriate to the purposes of this ordinance.
5. The Board of Selectmen may, from time to time, set fees for such permits.
6. Any person violating the provisions of this ordinance shall be fined not more than one hundred dollars ($100.00) for each day that the violation shall continue.

May 2, 1970 TM Volume 10, page 255

ORDINANCE CONCERNING PARKS

AND RECREATION COMMISSION

1. The responsibility for the management, control and development of all recreational and park facilities and programs of the Town, except those under the exclusive control of the Board of Education, and for expenditures made in connection therewith, is hereby vested in the Parks and Recreation Commission.
2. The Parks and Recreation Commission is authorized to enter into agreements with the Board of Education for the use of facilities under the exclusive control of the Board of Education.
3. The Parks and Recreation Commission is authorized to set reasonable fees for the use of such facilities and participation in such programs.
4. The Parks and Recreation Commission is authorized to hire such employees as shall be necessary for the performance of its duties.
5. All ordinances relating to the McCook Point Park Commission, also known as the Town Park Commission and the Veterans Memorial Park Committee, are hereby rescinded.

June 2, 1966 TM Volume 9, page 226

ORDINANCE ESTABLISHING A CONSERVATION COMMISSION FOR THE DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES, INCLUDING WATER RESOURCES, WITHIN EAST LYME (NAME CHANGED TO INLAND WETLANDS AGENCY)

1. Effective July 1, 1966 there is constituted a seven member Inland Wetlands Agency (fka Conservation Commission) which shall have the duties and powers set forth in the General Statutes.
2. Members of the Commission shall be appointed by the Board of Selectmen. The Board of Selectmen may consult with local and regional organizations interested in conservation of natural resources at the time of making original appointments and filling vacancies.
3. The members of the Commission shall be appointed in the following manner: four terms shall be filled by appointment to expire on the first Monday of January, 1968 and three terms shall be filled by appointment to expire on the first Monday of January, 1970. The four terms that expire in January, 1968 shall be filled by appointment for four years. The three terms that expire in January, 1970 shall be filled by appointment for four years.

June 20, 1966	TM Volume 9, page 233	
May 15, 2008	TM Volume 22, page 787	Amended
See Page 92	Alternates to Conservation Commission	

ORDINANCE ESTABLISHING A COMMISSION FOR THE CONSERVATION OF NATURAL RESOURCES

1. Effective July 1, 2008, there is constituted a five member Commission for the Conservation of Natural Resources, with all the authority, powers and responsibilites of local conservation commissions as set forth in Section 7-131a of the Connecticut General Statutes, as amended from time to time.
2. The members of the Commission shall be appointed in the following manner: three terms shall be filled by appointment until the first Monday of January, 2010, at which time they shall be filled by appointment for four years. Two terms shall be filled by appointment until the first Monday of January, 2012, at which time they will be filled by appointment for four years.
3. There shall be two alternate members of the Commission. The term of one alternate member shall be filled by appointment until the first Monday of January, 2010, at which time it shall be filled by appointment for four years. The term of the other alternate member shall be filled by appointment until the first Monday of January, 2012, at which time it will be filled by appointment for four years. Such alternate members shall, when seated, have all the powers and duties of a member of the Commission.

TM Vol 22, page 787A July 1, 2008

ORDINANCE ESTABLISHING FINES FOR VIOLATION OF INLAND WETLANDS AND WATERCOURSES REGULATIONS

1. Citations. Pursuant to Connecticut General Statutes Sec. 22a-42g, as amended, the Inland Wetlands Agency is hereby authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Agency.
2. Fines;Schedule of Fines. A fine for each violation shall not exceed $1,000.00. Such fines, when paid, shall be paid to the Treasurer of the Town of East Lyme and deposited in the General Fund or a special fund designated by the Town. No such fine may be levied against the State of Connecticut or any employee of the State acting within the scope of his or her employment.

Fines for each citation shall be in accordance with the following schedule:

NATURE OF VIOLATION	FINE
Regulated activities conducted without a permit that under Section 12 of the Inland Wetland and Watercourses regulations would have been eligible for an administrative approval from the wetlands agent.	$ 15
Regulated activities conducted without a permit in the upland review area (within 100' of a wetland or watercourse)	$ 500

Regulated activites conducted without a permit in a wetland

or watercourse. $1000

3. Who may issue citations. Citations made pursuant to this ordinance may be issued by a police officer or by any other person authorized by the First Selectman to do so.

4. Manner of Service. A citation issued pursuant to this ordinance may be served by hand delivery or by certified mail, return receipt requested, to the person named in the citation. If the person named in the citation refuses to accept the citation sent by certified mail, the citation may be sent by regular United States mail.

5. Payment of Fines. A person who receives a citation may make uncontested payment of the imposed fine within thirty days of receipt of the citation. If the citation has been sent by regular mail, the date of receipt shall be the third business day following the date of the citation.

6. Hearing Procedure.

   a. Any person issued a citation under this ordinance shall be entitled to a hearing. The proceure for the hearing, disposition and enforcement shall be in accordance with General Statutes Section 7-152c entitled "Hearing Procedure for Citations," as it may be amended from time to time and as set forth herein.

   b. The First Selectman shall appoint one or more Citation Hearing Officers to conduct the hearings held pursuant to this section. A Citation Hearing Officer shall not be a police officer or a town employee or a member of the Inland Wetlands Agency.

   c. At any time within the twelve months of the expiration of the time period for the payment of uncontested fines, penalties, costs, or fees assessed under this ordinance the Town shall send a notice to the person cited. The notice shall inform the person cited: (1) of the allegations against him and the amount of the fines; (2) that he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he does not demand such a hearing, an assessment and judgment shall be entered against him; and (4) that such judgment may enter without further notice.

   d. If the person who is sent notice pursuant to subsection © of this section wishes to admit liability for an alleged violation, he may, without requesting a hearing, pay the full amount of the fine in person or by mail to an official designated by the Town. Such payment shall be inadmissable in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection © of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and assess the fines, penalties, costs, or fees provided for by this ordinance and shall follow the procedures set forth in subsection (f) of this section.

   e. Any person who requests a hearing shall be given written notice of the date, time, and place for the hearing. Such hearing shall be held not less than fifteen days and not more than thirty days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance.

An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality, and shall be deemed a business record within the scope of General Statutes Sec. 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on his behalf. A designated municipal official, other than the Citation Hearing Officer, may present evidence on behalf of the Town. If such person fails to appear, the Citation Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable provisions of the Inland Wetlands and Watercourses Regulations and this ordinance. The Citation Hearing Officer may accept from the person who received the citation copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissability of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Citation Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his decision in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines against such person as provided by this ordinance.

f. If such assessment is not paid on the date of its entry, the Citation Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for Geographical Area Number 10 together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment and court costs of eight dollars, against such person in favor of the Town. Notwithstanding any other provision of the General Statutes, the hearing officer's assessment, when so entered as judgment shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

g. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for small claims cases pursuant to General Statutes Sec. 52-259, in the Superior Court for Geographical Area Number 10, which shall entitle such person to a hearing in accordance with the rules of judges of the Superior Court.

7. Cumulative Remedies. The fines set forth in this ordinance shall be in addition to and not in lieu of any other penalties or remedies for violations of Inland Wetlands and Watercourses Regulations of the Town of East Lyme, as more particularly set forth in Section 22a-44 of the Connecticut General Statutes, as amended from time to time.

8. Effective Date. This ordinance shall be effective 10 days after publication of notice of its adoption.

TM Vol. 22 page 787A May 27, 2008

ORDINANCE CONCERNING WELL AND SANITATION PERMITS

1. No well or sewage disposal system shall be constructed within the Town of East Lyme until a written permit has been obtained from the Director of Health or his duly authorized Agent.
2. No building permit for the construction of any building or any addition thereto shall be issued by the Building Official, or such other officer as may be authorized to issue building permits, until there has been presented to such officer a written certificate, signed by the Director of Health or his duly authorized agent, indicating that the well or other water supply facilities and the sewage disposal facilities, located on the land on which said building or addition are to be constructed, are satisfactory.

2.6.1. Reasonable fees for such permits and certificates, and for dumping of septic tank wastes at the site authorized by the Board of Selectmen, shall be prescribed from time to time by the Board of Selectmen.

2.6.2. Anyone who shall violate this ordinance shall be fined not more than one hundred dollars ($100.00).

February 7, 1968 TM Volume 10, page 8

ORDINANCE ESTABLISHING A TOWN BUILDING COMMITTEE

1. There is constituted a seven member Town Building Committee which, as instructed and to the extent authorized by the Board of Selectmen, is empowered to obtain plans and cost estimates for new town buildings and additions to existing town buildings, other than school buildings, including such furnishings and equipment as may be required, and to enter into such contracts and expend such funds as may be hereafter authorized and appropriated for such purposes.

   1.A. As instructed and to the extent authorized by the Board of Education, the committee is empowered to obtain plans and cost estimates for new school facilities, and additions, alterations and major repairs to existing school facilities, including such furnishings and equipment as may be required, and to enter into such contracts and expend such funds as may be authorized and appropriated for such purposes. The Superintendent of Schools shall be an ex-officio member without vote of the committee when it is acting under the instructions and with the authorization of the Board of Education.

   1.B. Two residents of the Town of Salem, appointed by the Salem Board of Selectmen, shall be ex-officio members without vote of the committee when it is acting under the instructions and with the authorization of the Board of Education on the East Lyme High School expansion and improvement project.

2. Members of the Committee shall be appointed by the Board of Selectmen in the following manner:

   All seven terms shall be filled by appointment within thirty (30) days from the effective date hereof, four terms to expire on the first Monday of January, 1970 and three terms to expire on the first Monday of January, 1972. All said terms shall be filled upon their expiration for four years.

July 2, 1968	TM Volume 10, page 40, 59	
July 1, 1977	TM Volume 12, page 341	Amended
April 2, 1997	TM Volume 21, page 376	Amended

ORDINANCE PROVIDING FOR MEMBERSHIP IN THE BOARD FOR ADMISSION OF ELECTORS

The Board for Admission of Electors shall consist of the Town Clerk and the Registrars of Voters for the First District.

February 2, 1970 TM Volume 10, page 245

ORDINANCE CONCERNING EXTENSION OF TOWN WATER SYSTEM

Whereas the East Lyme Town Meeting, on March 28, 1969, after approval by the Board of Water Commissioners, Board of Selectmen, Board of Finance and Planning Commission, did authorize extensions of the existing Town water system, and

Whereas the Board of Water Commissioners has determined to proceed to lay mains in the following extension area:

Generally, the major portion of the system will serve the developed area of the town south of the Connecticut Turnpike including Giant's Neck, Black Point, Crescent Beach, Niantic Village, Pine Grove and Saunders Point and the fringe residential development along Route 156, Roxbury Road and Flanders Road. North of the Connecticut Turnpike the system will serve the Flanders area, the fringe residential development along Beckwith Highway to a point approximately 1,200 feet north of Irvingdell Place and westerly on the Boston Post Road to the residential development surrounding the southern end of Pattagansett Lake including Upper Pattagansett Road to Filosi Road.

Specifically, the system is intended to serve the areas as shown on Drawing No. GP-1 as prepared by Fenton G. Keyes Associates and on file in the Town Clerk's office, Town of East Lyme, Connecticut.

Now therefore, in order to finance in part the cost of the extension of the Town water system into said extension area, the following assessments are levied on all owners of property abutting the streets within said extension area:

1. For each such property containing not more than one single-family dwelling, requiring for adequate service a three-fourths inch pipe from the main.
   $ 150.00

2. For each such property requiring for adequate service a one inch pipe from the main
   $ 200.00

3. For each such property requiring for adequate service a one and one-half inch pipe from the main
   $ 500.00

4. For each such property requiring for adequate service a two inch pipe from the main
   $ 750.00

5. For each such property requiring for adequate service a four inch pipe from the main
   $1,500.00

6. For each such property requiring for adequate service a six inch pipe from the main
   $ 2,500.00

7. For each such property requiring for adequate service an eight inch pipe from the main

   $ 3,500.00

The Board of Water Commissioners shall determine the size of pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.

Appeals from the foregoing assessments may be made in accordance with the ordinance entitled Water Assessment Ordinance.

Payment of said assessments shall be due when the owners of property abutting the streets within said extension area make use of the water main.

May 27, 1970 TM Volume 10, page 252, 277

WATER MAIN EXTENSION ORDINANCE

WHEREAS, The East Lyme Board of Water Commissioners has recommended an extension of the East Lyme Water System,

NOW, THEREFORE, in accordance with that recommendation, this system is extended as follows:

From a point on Chesterfield Road which point is located 7,480 feet, more or less, in a northwest direction, from Flanders Four Corners, to a second point on Chesterfield Road, which second point is located 9,600 feet, more or less, in a northwest direction from Flanders Four Corners, said latter point being opposite the intersection of

Chesterfield Road and the proposed Greentree Road as shown on a subdivision map to be filed on the East Lyme Town Land Records; then in a generally easterly direction into the proposed subdivision. It is expressly understood that the total cost of laying of distribution mains and of making connections, within the area of the extension shown on the referenced subdivision map, shall be the responsibility of the developer, but subject to the supervision and specifications of the East Lyme Board of Water Commissioners.

This Extension, both within and without the area shown on the subdivision map shall be subject to such assessments, connection charges, benefit charges, water rents, delinquency charges, other charges, and fees or rates as are validly established by the Town of East Lyme or any agency thereof including without limitation by the Board of Water Commissioners.

This ordinance shall take effect ten (10) days after publication of notice of its adoption.

August 18, 1972 TM Volume 11, page 144, 149

ORDINANCE CONCERNING WATER ASSESSMENTS

1. There are imposed assessments upon owners of property in the extension areas described in subparagraphs (a) and (b) of this paragraph, when such property abuts a street within which a water main has been laid at the expense of the Town of East Lyme. The assessments shall be due and payable when the owner of the property makes use of the water main. The extension areas to which this ordinance applies are as follows:

   (a) From a point on Chesterfield Road which point is located 7,480 feet, more or less, in a northwest direction, from Flanders Four Corners, to a second point on Chesterfield Road, which second point is located 9,600 feet, more or less, in a northwest direction from Flanders Four Corners, said latter point being opposite the intersection of Chesterfield Road and the proposed Greentree Road as shown on a subdivision map to be filed on the East Lyme Town Land Records; then in a generally easterly direction into the proposed subdivision.
   (b) From a point on Chesterfield Road which point is located 9,600 feet, more or less, in an northwest direction, from Flanders Four Corners, to a second point on Chesterfield Road, which second point is located 17,400 feet, more or less, in a northwest direction from Flanders Four Corners, said latter point being opposite the intersection of Chesterfield Road and the proposed Westchester Avenue as shown on a subdivision map to be filed on the East Lyme Town Land Records; then in a generally easterly direction into the proposed subdivision.

2. The rates of assessment shall be as follows:

A. For each such property containing not more than one single-family dwelling, requiring for adequate service a three fourths inch pipe from the main

$ 150.00

B. For each such property requiring for adequate service a one inch pipe from the main $ 200.00

C. For each such property requiring for adequate service a one and one-half inch pipe from the main $ 500.00

D. For each such property requiring for adequate service a two inch pipe from the main $ 750.00

E. For each such property requiring for adequate service a four inch pipe from the main $1,500.00

F. For each such property requiring for adequate service a six inch pipe from the main $ 2,500.00

G. For each such property requiring for adequate service an eight inch pipe from the main $ 3,500.00

2. In addition to the foregoing assessments, there shall be imposed upon owners of property in any such extension area:

   A. Where an additional connection to the water main is made for property previously assessed, a charge in accordance with the schedule of rates set out in paragraph 2; and

   B Where property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set out in paragraph 2 for the larger pipe actually required.

4. An unmetered fire connection shall not be a connection within the meaning of this ordinance.
5. The Board of Water Commissioners shall determine the size pipe required for adequate service based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified, shall be prorated by the Board of Selectmen.

Appeals from the foregoing assessments may be made in accordance with, and the Town shall have all lien rights and all rights to collect interest provided in, the ordinance entitled “Water Assessment Ordinance”.

July 8, 1972	TM Volume 11 page 110, 133	
January 3, 1977	TM Volume 12, page 295	Amended

ORDINANCE CONCERNING WATER BENEFIT CHARGES

1. There is imposed a benefit charge upon the owner or owners of property, in any extension area, as from time to time has been or shall be created, when such property abuts a street within which a water main has been laid at the expense of anyone other than the Town of East Lyme. The benefit charge

shall be due and payable at the time of the issuance of a certificate of occupancy or at the time that the East Lyme Water and Sewer Commission supplies water to the distribution main, whichever occurs later. Notice of such benefit charges shall be filed on the land records in the office of the Town Clerk.

2. The rates of benefit charges shall be as follows:

   A. For each such property containing not more than one single-family dwelling, requiring for adequate service a three fourths inch pipe from the main $ 700.00

   B. For each such property requiring for adequate service a one inch pipe from the main $ 850.00

   C. For each such property requiring for adequate service a one and one-half inch pipe from the main $ 1700.00

   D. For each such property requiring for adequate service a two inch pipe from the main $ 2100.00

   E. For each such property requiring for adequate service a four inch pipe from the main $ 4200.00

   F. For each such property requiring for adequate service a six inch pipe from the main $ 7000.00

   G. For each such property requiring for adequate service an eight inch pipe from the main $10000.00

3. In addition to the foregoing benefit charges, there shall be imposed upon owners of property in any such extension area:

A. Where an additional connection to the water main is made, a charge in accordance with the schedule of rates set out in paragraph 2; and

B. Where property previously charged makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was charged, a charge equal to the difference between the previous charge and the rate set out in paragraph 2 for the larger pipe actually required.

4. An unmetered fire connection shall not be a connection within the meaning of this ordinance.
5. From the time that any connection charge becomes due and payable, it shall bear interest at the rate of twelve percent (12%) per annum until paid. The connection charge shall, at the time it becomes due and payable, become a lien upon the property. Any such lien shall be liable to be foreclosed in the same manner as if it were a mortgage on such land in favor of the Town. The Water and Sewer Commission shall have authority and responsibility to foreclose any such lien in the name of the Town.
6. Such liens shall not continue to exist for a period longer than one (1) year after the charge becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the reason on account of which it is claimed, and the amount claimed by the Town as a lien shall be filed in the East Lyme Lands Records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the

East Lyme Land Records. Such liens shall be discharged by the First Selectman or his designee upon payment of such unpaid benefit charges, interest (as set forth in paragraph 5 hereof) and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

TM Volume 11, page 111, 133

March 22, 1979	TM Volume 13, page 198	Amended
November 23, 1980	TM Volume 14, page 50	
June 1, 2004	TM Volume 22, page 383	Amended

ORDINANCE CONCERNING WATER CONNECTION CHARGES

1. There are imposed connection charges upon the owners of property in any extension area, as from time to time, has been or shall be created, when such property owner requests that a connection of the water system be made to his property line at the expense of the Town of East Lyme.
2. The connection charge shall be due and payable within thirty (30) days from the time that the property owner is billed by the East Lyme Water Department.
3. The rate of connection charges shall be as follows:

   A. For each such property containing not more than one single-family dwelling requiring for adequate service a three fourths-inch pipe from the main: the average cost, as determined from time to time by the Board of Water Commissioners, of all direct and indirect expenses incurred by the Town of East Lyme, or any agency thereof, in making connections for properties of this class.
   B. For each such property not described in subparagraph #1 above, the actual costs incurred by the Town of East Lyme, or any agency thereof, in making the connection.
   C. In addition to the foregoing, there shall be imposed upon each such property, an additional connection charge in an amount determined by the foregoing schedule for each connection after the first connection to said property.

4. The Board of Water Commissioners shall determine the size pipe required for adequate service based upon the volume of water likely to be used, the pressure requirements, and the nature of the use.
5. From the time that any connection charge becomes due and payable, it shall bear interest at the rate of twelve percent (12%) per annum until paid. The connection charge shall, at the time it becomes due and payable, become a lien upon the property. Any such lien shall be liable to be foreclosed in the same manner as if it were a mortgage on such land in favor of the Town. The Water and Sewer Commission shall have authority and responsibility to foreclose any such lien in the name of the Town.
6. Such liens shall not continue to exist for a period longer than one year after the connection charge becomes due and payable, unless within that period a certificate signed by the First Selectman or his designee describing the premises upon which the lien exists, the reason on account of which it is claimed, and the amount claimed by the Town as a lien shall be filed in the East Lyme Land Records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme Land Records. Such liens shall be discharged by the First Selectman or his designee upon payment of such unpaid connection charges, interest (as set forth in paragraph 5 hereof), and a lien fee

which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

TM Volume 11, page 112, 133

March 22, 1979 TM Volume 13, page 197 Amended
November 23, 1980 TM Volume 14, page 50 Amended

WATER MAIN EXTENSION ORDINANCE NO. 2

WHEREAS, the East Lyme Board of Water Commissioners has recommended an extension of the East Lyme Water System,

NOW THEREFORE, in accordance with that recommendation, this system is extended as follows:

From a point on Chesterfield Road which point is located 9,600 feet, more or less, in a northwest direction, from Flanders Four Corners, to a second point on Chesterfield Road, which second point is located 17,400 feet, more or less, in a northwest direction from Flanders Four Corners, said latter point being opposite the intersection of Chesterfield Road and the proposed Westchester Avenue as shown on a subdivision map to be filed on the East Lyme Town Land Records; then in a generally easterly direction into the proposed subdivision. It is expressly understood that the total cost of laying of distribution mains and of making connections within the area of the extension shown on the referenced subdivision map, shall be the responsibility of the developer, but subject to the supervision and specifications of the East Lyme Board of Water Commissioners.

This Extension, both within and without the area shown on the subdivision map shall be subject to such assessments, connection charges, benefit charges, water rents, delinquency charges, other charges, and fees or rates as are validly established by the Town of East Lyme or any agency thereof including without limitating the Board of Water Commissioners.

September 23, 1973 TM Volume 11, page 269, 281

WATER MAIN EXTENSION ORDINANCE NO. 3

WHEREAS, the East Lyme Town Meeting, on March 28, 1969, after approval by the Board of Water Commissioners, Board of Selectmen, Board of Finance and Planning Commission, did authorize extensions of the existing Town water system, and

WHEREAS, the East Lyme Board of Selectmen, on April 8, 1970, did adopt an ordinance entitled “Ordinance Concerning Extension of Town Water System” to provide for said extensions, and

WHEREAS, the extensions authorized by said town meeting authorization and said ordinance have been completed, and

WHEREAS, the Board of Water Commissioners has recommended an extension of the East Lyme Water System

NOW, THEREFORE, in accordance with that recommendation, the system is extended as follows:

(a) Extending in a westerly direction along the Boston Post Road from the present terminus of the water main located on said road for a distance of approximately three thousand four hundred (3,400) feet to the intersection of the Boston Post Road and Dean Road;
(b) Extending in a southwesterly direction along Sunrise Trail from the present water main for a distance of approximately six hundred forty (640) feet.

AND FURTHER, in order to finance in part the cost of the extension of the Town water system into said extension area, the following assessments are levied on all owners of property abutting the streets within said extension area:

1. For each such property containing not more than one single-family dwelling, requiring for adequate service a three-fourths inch pipe from the main $ 250.00

2. For each such property requiring for adequate service a one inch pipe from the main $ 300.00

3. For each such property requiring for adequate service a one and one-half inch pipe from the main $ 600.00

4. For each such property requiring for adequate service a two inch pipe from the main $ 750.00

5. For each such property requiring for adequate service a four inch pipe from the main $1,500.00

6. For each such property requiring for adequate service a six inch pipe from the main $2,500.00

7. For each such property requiring for adequate service an eight inch pipe from the main $3,500.00

A. The Board of Water Commissioners shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.
B. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled “Water Assessment Ordinance”.
C. The assessments of benefits shall become final upon completion of its duties by the Water Assessment Board of Appeals and payment of said assessments shall be due when the owners of property abutting the streets within the extension area make use of the water main, provided, in the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Sections 12-107a to 12-107e, inclusive of the General Statutes as
farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred per cent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessments may be made

as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

D. In addition to the foregoing assessments, there shall be imposed upon owners of property in any such extension area:

1. Where an additional connection to the water main is made for property previously assessed, a charge in accordance with the schedule of rates set out in paragraph 2; and
2. Where property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set out in paragraph 2 for the larger pipe actually required.
3. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

E. This ordinance shall take effect ten (10) days after publication of its notice of adoption.

January 3, 1977TM Volume 12, page 293

WATER MAIN EXTENSION ORDINANCE NO. 4

WHEREAS, the East Lyme Board of Water Commissioners has recommended an extension of the East Lyme Water System,

NOW THEREFORE, in accordance with that recommendation, the system is extended as follows:

Extending in a northwesterly direction along South Drive from the present water main located on Shore Road for a distance of approximately three hundred and fifty (350) feet.

AND FURTHER, in order to finance in part the cost of the extension of the Town water system into said extension area, the following assessments are levied on all owners of property abutting the streets within said extension area:

1. For each such property containing not more than one single-family dwelling requiring for adequate service a three-fourths inch pipe from the main $ 250.00

2. For each such property requiring for adequate service a one inch pipe from the main $ 300.00

3. For each such service requiring for adequate service a one and one-half inch pipe from the main $ 600.00

4. For each such property requiring for adequate service a two inch pipe from the main $ 750.00

5. For each such property requiring for adequate service a four inch pipe from the main $1,500.00

6. For each such property requiring for adequate service a six inch pipe from the main $2,500.00

7. For each such property requiring for adequate service an eight inch pipe from the main $3,500.00

A. The Board of Water Commissioners shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.
B. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled "Water Assessment Ordinance".
C. The assessments of benefits shall become final upon completion of its duties by the Water Assessment Board of Appeals and payment of said assessments shall be due when the owners of property abutting the streets within the extension area make use of the water, provided, in the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Sections 12-107 a to 12-107e, inclusive, of the General Statutes
as farm land, forest land, or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

D. In addition to the foregoing assessments, there shall be imposed upon owners of property in said extension area:

1. Where an additional connection to the water main is made for property previously assessed, a charge in accordance with the schedule of rates set out above and
2. Where property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set out above for the larger pipe actually required.
3. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

E. This ordinance shall take effect ten (10) days after publication of its notice of adoption.

June 26, 1977 TM Volume 12, page 362

ORDINANCE DESIGNATION BOARD OF WATER COMMISSIONERS AS SEWER AUTHORITY

The East Lyme Water and Sewer Commission is designated as the Water Pollution Control Authority for the Town of East Lyme, with the powers, authority and duties set forth in Chapter 103 of the General Statutes, Revision of 1958, as it may be amended from time to time.

Whereas, the Board of Water Commissioners has been designated the Sewer Authority for the Town of East Lyme by the Board of Selectmen, and

Whereas, in order to described more accurately the additional powers, authority and duties of said Board, and increase the membership of said Board, the following amendment to the ordinance entitled "Ordinance Creating a Board of Water Commissioners" should be adopted,

Now, therefore, the ordinance entitled "Ordinance Creating a Board of Water Commissioners" is hereby amended to read as follows:

ORDINANCE ESTABLISHING A WATER AND SEWER COMMISSION

1. There is constituted a nine member Water and Sewer Commission. The First Selectman shall be Chairman, and upon his absence or disability the Deputy First Selectman shall have the powers and perform the duties of the absent or disabled Chairman, which shall include presiding at meetings of the Commission and having the right to vote at such meetings. The remaining eight members shall be appointed by the Board of Selectmen in the manner set forth in Paragraphs 1.1 through 1.5 of the Ordinance Establishing a Water and Sewer Commission.

   1.1. The remaining six members of the Board of Water Commissioners on the effective date of this amendment shall continue to be members of the Commission and shall serve the terms for which they were appointed.
   1.2 One member shall be appointed for a term to expire on the first Monday of January, 1978.
   1.3 One member shall be appointed for a term to expire on the first Monday of January, 1980.
   1.4 Upon expiration of the terms established by Sections 1.2 and 1.3, the terms of appointment shall be for four years.
   1.5 The members shall serve without compensation but shall be reimbursed for necessary expenses.

2. Said Commission shall maintain and operate the water system of the town, obtain plans and cost estimates for extensions and improvements to the system, expend such funds as may be appropriated for such purposes, provide all necessary rules and regulations in connection with the operation of the system, prescribe the rates at which water may be sold, perform all the duties incidental thereto, and present an annual report and budget before each annual budget meeting of the town.

3. The Commission as the Sewer Authority of the town shall have all the powers, authority and duties set forth in Chapter 103 of the General Statutes, Revision of 1958, as it may be amended from time to time.
4. All income derived from service provided by the water system shall be paid to the Treasurer of the town to be credited to the account of the Commission and to be first applied to defray the current expenses of said water system.
5. The adoption of this amendment shall not be construed to affect the powers, authority and duties of the East Lyme Board of Water Commissioners which shall hereafter, pursuant to this amendment, be known as the Water and Sewer Commission.

July 23, 1977	TM Volume 13, page 1	
January 21, 1979	TM Volume 13, page 170	Amended
January 24, 1981	TM Volume 14, page 77	Amended

WATER MAIN EXTENSION ORDINANCE NO. 5

WHEREAS, the East Lyme Board of Water Commissioners has recommended an extension of the East Lyme Water System,

NOW THEREFORE, in accordance with that recommendation, the system is extended as follows:

I. Extending in a general southerly direction along Lovers Lane from the present main located on Boston Post Road for a distance of approximately two thousand eight hundred (2,800) feet to the intersection of Lovers Lane and Marion Drive.
II. Extending in a general southeasterly direction along Maplewood Drive for a distance of approximately one thousand three hundred and fifty (1,350) feet from the intersection of Lovers Lane and Maplewood Drive.
III. Extending in a general southeasterly direction along Marion Drive for a distance of approximately one thousand three hundred and fifty (1,350) feet from the intersection of Lovers Lane and Marion Drive.

AND FURTHER, in order to finance in part the cost of the extension of the Town water system into said extension area, the following assessments are levied on all owners of property abutting the streets within said extension area:

1. For each such property containing not more than one single-family dwelling requiring for adequate service a three-fourths inch pipe from the main $ 250.00

2. For each such property requiring for adequate service a one inch pipe from the main $ 300.00

3. For each such property requiring for adequate service a one and one-half inch pipe from the main $ 600.00

4. For each such property requiring for adequate service a two inch pipe from the main $ 750.00

5. For each such property requiring for adequate service a four inch pipe from the main $1,500.00

6. For each such property requiring for adequate service a six inch pipe from the main $2,500.00

7. For each such property requiring for adequate service an eight inch pipe from the main $3,500.00

A. The Board of Water Commissioners shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.
B. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled "Water Assessment Ordinance".
C. The assessments of benefits shall become final upon completion of its duties by the Water Assessment Board of Appeals and payment of said assessments shall be due when the owners of property abutting the streets within the extension area make use of the water provided, in the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Sections 12-107a to 12-107e, inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time a caveat on the land records in each instance where an assessment is deferred.
D. In addition to the foregoing assessments, there shall be imposed upon owners of property in said extension area:

   1. Where an additional connection to the water main is made for property previously assessed, a charge in accordance with the schedule of rates set out above and
   2. Where property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set out above for the larger pipe actually required.

E. An unmetered fire connection shall not be a connection within the meaning of this ordinance.
F. This ordinance shall take effect ten (10) days after publication of its notice of adoption.

September 26, 1977 TM Volume 13, page 12

WATER MAIN EXTENSION ORDINANCE NO. 6

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme water system,

NOW THEREFORE, in accordance with that recommendation, the system is extended as follows;

Extending in a general westerly direction along Burnap Road from the present terminus of the water main in Burnap Road for a distance of approximately one hundred and ten (110) feet.

1. The Water and Sewer Commission shall determine the size pipe required for adequate service to owners of property connecting with said extension, based upon the volume of water likely to be used, the pressure requirements and the nature of the use.
2. This ordinance shall take effect ten (10) days after publication of its notice of adoption.

March 22, 1979 TM Volume 13, page 200

WATER MAIN EXTENSION ORDINANCE NO. 7

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme Water System,

NOW THEREFORE, in accordance with that recommendation, the system is extended as follows:

Extending from a point at the intersection of Mostowy Road and Chesterfield Road, and running in a general westerly and northerly direction in and along Mostowy Road for a distance of approximately eight hundred and fifty (850) feet.

AND FURTHER, in order to finance in part the cost of the extension of the Town water system into said extension area, the following assessments are levied on all owners of property abutting the streets within said extension area:

1. For each such property containing not more than one single-family dwelling, requiring for adequate service a three-fourths inch pipe from the main. $ 250.00

2. For each such property requiring for adequate service a one inch pipe from the main $ 300.00

3. For each such property requiring for adequate service a one and one-half inch pipe from the main $ 600.00

4. For each such property requiring for adequate service a two inch pipe from the main $ 750.00

5. For each such property requiring for adequate service a four inch pipe from the main $1,500.00

6. For each such property requiring for adequate service a six inch pipe from the main $2,500.00

7. For each such property requiring for adequate service an eight inch pipe from the main $3,500.00

A. The Board of Water Commissioners shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.
B. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled “Water Assessment Ordinance”.

C. The assessments of benefits shall become final upon completion of its duties by the Water Assessment Board of Appeals and payment of said assessments shall be due when the owners of property abutting the streets within the extension area make use of the water, provided, in the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Sections 12-107a to 12-107e, inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations, assessments of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

D. In addition to the foregoing assessments, there shall be imposed upon owners of property in said extension area:

   1. Where an additional connection to the water main is made for property previously assessed, a charge in accordance with the schedule of rates set out above and
   2. Where property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set out above for the larger pipe actually required.

E. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

F. This ordinance shall take effect ten (10) days after publication of its notice of adoption.

July 20, 1979 TM Volume 13, page 246

WATER MAIN EXTENSION ORDINANCE NO. 8

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the existing town water system to the area of the town in and near the Black Point Beach Club Association, and

WHEREAS, the Water and Sewer Commission has recommended to the Board of Selectmen a method of assessing benefits and the amount of each such assessment,

NOW THEREFORE, in accordance with that recommendation, the East Lyme town water system is extended as follows: from the termini of the existing water system at the intersection of West End Avenue and Billow Road and at the intersection of the Great Wight Way and West Lane to and including the area in and near the Black Point Beach Club Association and West Lane, and a portion of Terrace Avenue, all as set forth in maps or plans entitled “Contract No. E-20 Water Distribution System Black Point Beach Association, Area for the East Lyme Water and Sewer Commission, Town of East Lyme, New London County, Connecticut Keyes Associates Architects/Engineers/Planners, July, 1983”.

AND FURTHER, in order to finance in part the cost of the above extension of the town’s water system:

1. The following assessments are levied on all owners of property abutting a water main which has been installed in said extension area, provided that each of such properties shall have a dwelling or other structure on such property or, if there is no such dwelling or other structure on such property, it meets the minimum requirements of a building lot under the zoning regulations applicable thereto in effect on November 7, 1983, the date that the construction of said extension began. The term "owner of property" shall mean each person having a property interest in the premises as disclosed by the East Lyme Land Records:

For each such property containing not more than one single-family dwelling, requiring for adequate service a three-fourths inch pipe from the main $1,342.00

For each such property requiring for adequate service a one inch pipe from the main $1,642.00

For each such property requiring for adequate service a one and one-half inch pipe from the main $1,942.00

For each such property requiring for adequate service a two inch pipe from the main $2,092.00

For each such property requiring for adequate service a four inch pipe from the main $2,842.00

For each such property requiring for adequate service a six inch pipe from the main $3,842.00

For each such property requiring for adequate service an eight inch pipe from the main $4,842.00

2. The Water and Sewer Commission shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.
3. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled "Water Assessment Ordinance".
4. Assessments of properties shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the town.
5. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at the rate of nine and one-eighth (9 1/8%) percent per annum, as follows:

   (1) Fifteen percent (15%) of the total amount of the assessment shall be payable within thirty (30) days after a statement for said amount is mailed to the owners of the property by the Water and Sewer Commission. Interest on the unpaid balance of the total amount of the assessment, at the rate described above, shall commence to run at the expiration of said thirty-day period.
   (2) The remaining eighty-five percent (85%) of the total amount of the assessment shall be paid in ten (10) equal installments. Said installments,

together with interest at the rate described above, shall be payable annually, commencing one year after the installment described in paragraph 5(1) hereof is payable.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, the balance of the total amount of the assessment, together with accumulated interest, shall be due and payable upon a conveyance, assignment or other transfer of all or a portion of the property assessed. Transactions exempt from this provision shall be those in which the consideration for the interest being conveyed, assigned or otherwise transferred does not exceed one hundred dollars ($100), and those transactions designated as exempt from the imposition of the Connecticut real estate conveyance tax, more particularly described in Section 12-498 of the Connecticut General Statutes.

(4) If any such installment is not paid when due, interest on such unpaid installment shall be at the rate of interest for delinquent real property taxes, notwithstanding the description of the interest rate set forth in paragraph 5 above.

6. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme Land Records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme Land Records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.
7. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Section 12-107a to 12-107e, inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations applicable thereto, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.
8. In addition to the foregoing assessments, there shall be imposed on the owners of property in said extension area:

(1) When an additional connection to the water main is made to property previously assessed, a charge in an amount equal to the assessment described in paragraph 1 hereof.

(2) When property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set forth in paragraph 1 hereof for the larger pipe actually required.

(3) When a connection to the water main is made to property which was not previously assessed, or which was not previously assessed by virtue of an order of the Water Assessment Board of Appeals, a connection charge

shall be imposed on the owners of such property in an amount equal to the assessment described in paragraph 1 hereof.

(4) If any charges are imposed in accordance with the provisions of subsections (1), (2) or (3) of this paragraph, they shall be payable in full upon completion of the connection to the water main.

9. An unmetered fire connection shall not be a connection within the meaning of this ordinance.
10. This ordinance shall take effect ten (10) days after publication of notice of its adoption.

July 3, 1985 TM Volume 15, page 188

WATER MAIN EXTENSION ORDINANCE NO. 9

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme water system pursuant to the ordinance entitled "Water Assessment Ordinance".

NOW THEREFORE, in accordance with that recommendation, the system is extended in a westerly direction in and along Hope Street from the present terminus of the town's water system in Hope Street for a distance of four hundred and ten (410) feet, more or less.

AND FURTHER, in order to finance in part the cost of the extension of the town's water system into said extension area, the following assessments are levied on all owners of property abutting Hope Street within said extension area (the term "owner of property" shall mean each person having a property interest in the premises as disclosed by the East Lyme land records):

For each such property, the sum of three thousand, four hundred and twenty-three dollars and forty cents ($3,423.40).

A. Charges for connections to said extension shall be determined in accordance with the ordinance entitled "Ordinance Concerning Water Connection Charges".
B. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled "Water Assessment Ordinance".
C. The assessments of benefits shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the town.
D. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at the rate of twelve percent (12%) per annum, within thirty (30) days after a statement of said amount is mailed to the owners of the property by the Water and Sewer Commission. Interest on the unpaid balance of the assessment, at the rate described above, shall commence to run at the expiration of said thirty-day period.
E. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme

land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme land records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

F. In addition to the foregoing assessments, there shall be imposed upon owners of property in said extension area:

1. When a connection to the water main is made to property which was not previously assessed, or which was not previously assessed by virtue of an order of the Water Assessment Board of Appeals, a charge shall be imposed on the owners of such property in an amount equal to the sum of the assessment set forth above and a connection charge to be determined in accordance with the ordinance entitled "Ordinance Concerning Water Connection Charges".
2. If any charges are imposed in accordance with the provisions of subsection 1 of this paragraph, they shall be payable in full upon completion of the connection to the water main.

G. This ordinance shall take effect ten (10) days after publication of notice of its adoption.

September 6, 1986 TM Volume 16, page 6

WATER MAIN EXTENSION ORDINANCE NO. 10

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the existing town water system in Lover's Lane, and

WHEREAS, the Water and Sewer Commission has recommended to the Board of Selectmen a method of assessing benefits and the amount of each such assessment.

NOW, THEREFORE, in accordance with that recommendation, the East Lyme town water system is extended as follows: from the terminus of the existing water system at or near the intersection of Lover's Lane and Marion Drive running in a southerly direction a distance of five hundred feet, more or less, to the intersection of Lover's Lane and Jean Drive.

AND FURTHER, in order to finance in part the cost of the above extension of the town's water system into said extension area, assessments are levied as follows on owners of property abutting the town's water main installed within said extension area (the term "owner of property" shall mean each person having a property interest in the premises as disclosed by the East Lyme Land records):

Lot No. 26 on Assessor's Map No. 69	$300.00
Lot No. 27 on Assessor's Map No. 69	$300.00
Lot No. 28 on Assessor's Map No. 69, presently depicted on a map entitled "Subdivision Plan Proposed Cluster Development Land of Scott's Orchards, Inc. Lovers's Lane East Lyme, Connecticut Scale 1"=50' Date April, 1986 Rev. 4/14/87".	$ 13,794.00

A. Charges for connections to said extended main be determined in accordance with the ordinance entitled “Ordinance Concerning Water Connection Charges”.
B. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled “Water Assessment Ordinance”.
C. The assessments of benefits shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such liens shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the town.
D. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable within thirty days after a statement for said amount is mailed to the owners of property by the Water and Sewer Commission. Interest on the unpaid balance of the total amount of the assessment, at the rate of 10 per cent per annum, shall commence to run at the expiration of said thirty-day period.
E. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme land records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.
G. An unmetered fire connection shall not be a connection within the meaning of this ordinance.
H. This ordinance shall take effect ten days after publication of notice of its adoption.

March 26, 1988 TM Volume 16, page 197

WATER MAIN EXTENSION ORDINANCE NO. 11

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme water system pursuant to the ordinance entitled “Water Assessment Ordinance”,

NOW, THEREFORE, in accordance with that recommendation, the system is extended in a general westerly direction in and along Boston Post Road from the present terminus of the town’s water system in Boston Post Road for a distance of ten thousand, one hundred (10,100) feet, more or less, to a point where Spring Rock Road intersects with Boston Post Road.

AND FURTHER, in order to finance in part the cost of the extension of the town’s water system into said extension area:

1. The following assessments are levied on owners of property abutting Boston Post Road within said extension area, provided that each of such properties can be supplied with water service of at least 45 pounds per square inch at the

curb line. The term “owner of property” shall mean each person having a property interest in the premises as disclosed by the East Lyme land records:

For each such property containing not more than one single-family dwelling requiring for adequate service a one-inch pipe from the main

$1500.00

For each such property requiring for adequate service a one and one-half inch pipe from the main

$1800.00

For each such property requiring for adequate service a two-inch pipe from the main

$2100.00

For each such property requiring for adequate service a four-inch pipe from the main

$2850.00

For each such property requiring for adequate service a six-inch pipe from the main

$3850.00

For each such property requiring for adequate service an eight-inch pipe from the main

$4850.00

2. The Water and Sewer Commission shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.
3. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled “Water Assessment Ordinance”.
4. Assessments of properties shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the town.
5. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at the rate of seven percent (7%) per annum, as follows:

   (a) Ten percent (10%) of the total amount of the assessment shall be payable within thirty (30) days after a statement for said amount is mailed to the owners of the property by the Water and Sewer Commission. Interest on the unpaid balance of the total amount of the assessment, at the rate described above, shall commence to run at the expiration of said thirty-day period.
   (b) The remaining ninety percent (90%) of the total amount of the assessment shall be paid in nine (9) equal installments. Said installments, together with interest at the rate described above, shall be payable annually, commencing one year after the installment described in subparagraph (a) of this paragraph is payable.
   (c) Notwithstanding the provisions of subparagraphs (a) and (b) of this paragraph, the balance of the total amount of the assessment, together with accumulated interest, shall be due and payable upon a conveyance,

assignment or other transfer of all or a portion of the property assessed. Transactions exempt from this provision shall be those in which the consideration for the interest being conveyed, assigned or otherwise transferred does not exceed one hundred dollars ($100), and those transactions designated as exempt from the imposition of the Connecticut real estate conveyance tax, more particularly described in Section 12-498 of the Connecticut General Statutes.

(d) If any such installment is not paid when due, interest on such unpaid installment shall be at the rate of interest for delinquent real property taxes, notwithstanding the description of the interest rate set forth in paragraph 5 above.

6. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme Land Records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.
7. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Section 12-107a to 12-107e inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations applicable thereto, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.
8. In addition to the foregoing assessment, there shall be imposed on the owners of property in said extension area:

(a) When an additional connection to the water main is made to property previously assessed, a charge in an amount equal to the assessment described in paragraph 1 hereof.

(b) When property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set forth in paragraph 1 hereof for the larger pipe actually required.

(c) When a connection to the water main is made to property which was not previously assessed, or which was not previously assessed by virtue of an order of the Water Assessment Board of Appeals, a charge shall be imposed on the owners of such property in an amount equal to the assessment described in paragraph 1 hereof.

(d) If any charges are imposed in accordance with the provisions of subsections (a) or (b) of this paragraph, they shall be payable in full upon completion of the connection to the water main. If any charges are imposed in accordance with the provisions of subsection (c) of this

paragraph, they shall be paid, together with the interest at the rate set forth in paragraph 5 above, in ten equal installments, the first such installment to be payable within thirty (30) days after a statement for said amount is mailed to the owners of such property by the Water and Sewer Commission. The remaining installments shall be payable annually, commencing one year after the first installment is payable. Said payments shall be subject to the provisions of subparagraphs (c) and (d) of paragraph 5 hereof.

9. Charges for connections to said extension shall be determined in accordance with the ordinance entitled "Ordinance Concerning Water Connection Charges".
10. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

This ordinance shall become effective ten days after publication of the notice of effective date.

Dec. 5, 1989 TM Volume 17, page 86

WATER ASSESSMENT ORDINANCE

1. Whenever the Board of Selectmen shall determine that it may be advisable to make an extension or improvement to the Town water system, it may direct the Board of Water Commissioners to obtain plans and cost estimates therefor.
2. Upon the receipt of such plans and cost estimates and if in view thereof it appears that such extension or improvement is necessary or desirable, the Board of Selectmen shall vote to proceed with such extension or improvement, shall take all steps necessary in accordance with the Charter to obtain funds for such extension or improvement and shall direct the Board of Water Commissioners to prepare estimates of and procedures for assessing benefits to the properties which are to be benefitted.
3. The Board of Water Commissioners shall thereupon prepare a report setting forth the method of assessing benefits and the amount of each such assessment.
4. Within thirty (30) days after receipt of said report, the Board of Selectmen shall either return said report to the Board of Water Commissioners for amendment or shall proceed with an ordinance assessing benefits.

5.1. There is created a Water Assessment Board of Appeals, consisting of five (5) electors of the Town of East Lyme who shall be appointed by the Board of Selectmen, two members shall be appointed for terms to expire on the first Monday of January 1972 and three members shall be appointed for terms to expire on the first Monday of January 1974. Upon expiration of said terms, all terms of appointment shall be four years.

5.2. Within thirty (30) days after notice has been sent by U.S. Mail, postage prepaid, to each owner of property benefitted, which notice will include the amount of the assessment against such property, any such property owner may appeal from said assessment to the Water Assessment Board of Appeals by filing written notice of such appeal with said Board of Appeals. Said notice may be filed at the office of the Board of Selectmen. Forms for said notice may be prescribed by said Board of Appeals.

5.3. Said Board of Appeals shall assign a place and time for a hearing on said appeal. Said hearing shall be held not later than sixty (60) days after the filing of said notice, and notice of said hearing shall be given by mailing

written notice thereof to said property owners by U.S. Mail, postage prepaid, not less than fifteen (15) days before the date of said hearing.

5.4. Said Board of Appeals may increase or decrease the assessment against the subject property if it shall appear to the Board that the assessment was erroneous, or that the nature of the subject property is such that a redetermination of the assessment would be equitable.

5.5. Said Board of Appeals shall send notice of its action to said property owners by U.S. Mail, postage prepaid, within sixty (60) days after said hearing.

6. Any property owner who has prosecuted an appeal to the Water Assessment Board of Appals may take an appeal from the action of said Board of Appeals to the Court of Common Pleas for New London County within thirty (30) days after the mailing of the notice of its action by said Board of Appeals.

7. The assessments of benefits shall become final upon completion of its duties by the Water Assessment Board of Appeals and shall be recorded in a Water Assessment Book in the Office of the Town Clerk. When any owner of property shall make use of the water main unless otherwise provided in the ordinance assessing benefits, the assessment of benefits applicable to said property shall become due and payable, together with interest at the rate of twelve percent (12%) per annum for the period from the date said assessment became final until the date of payment, together with any connection charge or similar charge then in effect. The assessments of benefits shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the same manner as if it were a mortgage on such land in favor of the Town. Such liens shall not continue to exist for a period longer than one (1) year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the Town as the lien shall be filed in the East Lyme Land Records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme Land Records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

   7A. The Water and Sewer Commission shall have authority and responsibility to foreclose any such lien in the name of the Town.

8. For purposes of this ordinance, the term “property owner” shall be deemed to mean each person having a property interest in the premises as disclosed by the East Lyme Land Records.

TM Volume 10, page 253 and 277

TM Volume 11, page 29 and 48 Amended
March 22, 1979 TM Volume 13, page 195 Amended
Nov. 23, 1980 TM Volume 14, page 51 Amended

ORDINANCE CONCERNING OPERATION OF MOTOR VEHICLES ON TOWN-OWNED PROPERTY

1. Except as provided in Section 4, no person shall operate on any town-owned property, any motor vehicle, as defined in Section 3, which is not registered for highway operation by the individual, commission, department or agency of any state having authority for the registration of motor vehicles.

2.1. Except as provided in Section 4, no person shall operate on any town-owned property any motor vehicle, as defined in Section 3, unless such person is licensed by the individual, commission, department or agency of any state having authority for licensing operators of motor vehicles on highways or unless such person is participating in a course of study of motor vehicles operation given under the authority of the East Lyme Board of Education.

2. To add a new Section 2.2. to the ordinance entitled, "Ordinance concerning Operation of Motor Vehicles on Town-owned Property", to read as follows:

2.2 No person shall operate a motor vehicle, as defined in Section 3, on any town-owned property, except on paved roads, driveways and parking lots unless such person is a town, state or federal official engaged in government business or a person authorized to do so by the town board having responsibility for the care and maintenance of such property.

3. For purposes of this ordinance "motor vehicle" means any vehicle propelled or drawn by any power other than muscular but does not include construction equipment being operated on any project of the Town, electric battery-operated wheel chairs when operated by physically handicapped persons and self-propelled snow plows, snow blowers and lawn mowers.

4. Nothing in this ordinance shall prevent the operation of any motor vehicle, as defined in Section 3, on any Town-owned property during participation in any program on any such property authorized by the Town board having responsibility for the care and maintenance of such property and supervised by any Town board.
5. Any person violating any provision of this ordinance shall be fined not more than one hundred dollars ($100.00).

February 5, 1971 TM Volume 10, page 348
January 3, 1977TM Volume 12, page 292 Amended

ORDINANCE CONCERNING AREAS UNDER JURISDICTION OF PARKS & RECREATION COMMISSION

1. This ordinance shall apply to McCook Point Park & Beach, Veterans Memorial Park, Boardwalk, Cini Park, Samuel Peretz areas and all other areas within the Town of East Lyme designated as under the control of the Parks and Recreation Commission by vote of the Board of Selectmen.
2. No person shall enter any area which is closed to the public as plainly designated by signs.

3. No person shall kindle, build, maintain or use a fire except either in fireplaces provided for that purpose, or in portable fireplaces in areas plainly designated for that use.
4. No person shall possess or have under his control any alcoholic beverages in areas where it is prohibited as plainly designated by signs.
5. No person shall park any motor vehicle except in areas plainly designated by sign or other marking as parking areas.
6. No person shall discard or abandon any refuse, rubbish or garbage except in containers provided for that purpose.
7. No person shall possess or have under his control any glass bottle or crockery in areas where it is prohibited as plainly designated by sign.
8. Any person who shall violate any provision of this ordinance shall be fined not more than fifty dollars ($50.00).
9. This ordinance shall take effect on June 19, 1971.

TM Volume 10, page 369

Amended December 21, 2005

ORDINANCE PROVIDING PENALTIES FOR VIOLATION OF THE STATE BUILDING CODE AND ORDERS ISSUED THEREUNDER

1. Any person who shall violate a provision of the State Building Code or shall fail to comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Code shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.
2. Any person who shall continue any work in or about the building after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than twenty-five dollars ($25.00) or more than five hundred dollars ($500.00). Each day that a violation continues shall be deemed a separate offense.

The effective date of said ordinance is April 15, 1972.

TM Volume 11, page 91

ORDINANCE CONCERNING OPERATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES ON FROZEN SURFACE OF PUBLIC BODIES OF WATER

1. No person shall operate a snowmobile or all-terrain vehicle, as defined in Section 14-379 of the General Statutes, at any time on the frozen surface of the following public bodies of water within the Town:

Dodge Pond
Gorton Pond

Niantic River
Pattagansett Lake
Pattagansett River

2. Any person violating the provisions of this ordinance shall be fined not more than one hundred dollars ($100.00).
3. This ordinance shall take effect ten (10) days after publication of notice of its adoption.

TM Volume 11, page 103

ORDINANCE CONCERNING INLAND WETLANDS AND WATERCOURSES

WHEREAS, by an ordinance adopted on June 20, 1966 entitled "Ordinance Establishing a Conservation Commission for the Development and Conservation of Natural Resources, including Water Resources, Within East Lyme" the Town created a Conservation Commission with the powers and duties of conservation commissions as set forth in the General Statutes; and

WHEREAS, by an ordinance adopted on April 24, 1975 entitled "Ordinance Concerning Inland Wetlands and Watercourses" the Town designated the Conservation Commission as its inland wetlands agency, and authorized it to exercise the powers and duties of inland wetlands agencies as set forth in the General Statutes; and

WHEREAS the volume of business regarding the Commission's duties as the Town's inland wetlands agency has become such that it is burdensome for the Commission to attend to its duties as the Town's conservation commission; and

WHEREAS, it is necessary and desirable that the Commission continue to exercise its powers and duties as the Town's inland wetlands agency, and that the Commission's powers and duties as the Town's conservation commission be assigned to another commission;

NOW THEREFORE, the ordinance entitled "Ordinance Concerning Inland Wetlands and Watercourses" is hereby amended to read as follows:

1. The name of the Conservation Commission is hereby changed to the Inland Wetlands Agency.
2. The Inland Wetlands Agency shall continue to act as the Town's designated and authorized inland wetlands agency, with all the authority, powers and responsibilities of local inland wetlands agencies set forth in Sections 22a-42, et seq. of the Connecticut General Statutes, as amended from time to time. All regulations heretofore adopted by the Conservation Commission shall remain in ful force and effect. All matters pending before the Conservation Commission on the effective date of this amendment including but not limited to applications, permits, hearings investigations, enforcement actions and open or pending items of business of any nature whatsoever shall continue to be pending before and administered by the Inland Wetlands Agency.
3. Sections 1 through 4 of the "Ordinance Concerning Inland Wetlands and Watercourses" are hereby repealed. The effective date of such repeal shall be contemporaneous with the effective date of this amendment. (Note:The sections 1-4 referred to herein have been deleted from this book.)

TM Volume 22 page 787
TM Volume 11, pages 135, 145

April 24, 1975 TM Volume 12, page 95, Amended

ORDINANCE CONCERNING ABANDONED, INOPERABLE AND UNREGISTERED MOTOR VEHICLES ON THE HIGHWAY

1. Upon receipt of notice that there is an abandoned, inoperable or unregistered motor vehicle within the limits of any highway, the Zoning Enforcement Officer shall:

   a. Give written notice by U.S. Mail, postage prepaid, to the last owner of record of such vehicle, if such owner can be determined; and
   b. Publish notice once in a newspaper having a substantial circulation in the Town.

2. If such vehicle is not removed within thirty (30) days after the notice provided for in Section 1, the Zoning Enforcement Officer shall:

   a. If the current market value of such vehicle is not more than the expenses of Zoning Enforcement Officer and the cost of removing such vehicle to the nearest motor vehicle junk yard, provide for the removal there of such vehicle;
   b. If the current market value of such vehicle is more than the expenses of the Zoning Enforcement Officer and the cost of removing such vehicle to the nearest motor vehicle junk yard, proceed in accordance with the provisions of Section 14-150 (b) and (c) of the General Statutes as the same may be amended from time to time.

3. The Zoning Enforcement Officer shall give written notice by U.S. Mail, postage prepaid, of the disposition of such vehicle to the Commissioner of Motor Vehicles and the owner of such vehicle, if such owner can be determined.
4. This ordinance shall take effect ten (10) days after publication of notice of its adoption.

TM Volume 11, page 138

ORDINANCE CONCERNING ABANDONMENT OF A PORTION OF GURLEY ROAD

WHEREAS, the Board of Selectmen, as authority charged with maintenance of highways within the town, has determined that the public does not make use of the portion of Gurley Road hereinafter described, and that public convenience and necessity does not require the town to maintain said portion of Gurley Road as a highway, and

WHEREAS, the Planning Commission has approved the discontinuance of that portion of Gurley Road hereinafter described,

NOW, THEREFORE, the portion of Gurley Road hereinafter described is discontinued as a highway:

Commencing at a point in the southeasterly line of Gurley Road at its intersection with land now or formerly of T. Verity and a right of way; thence run southwesterly along the remains of a stone wall and said land now or formerly of T. Verity, two hundred and twenty-five (225) feet, more or less, to the Riverhead cemetery; and thence run westerly along a stone wall at Riverhead Cemetery, fifty (50) feet, more or less, to a merestone at the right of way of the Connecticut Turnpike; thence run northeasterly along said right of way, one hundred thirty-two and sixty-four hundredths (132.64) feet to an iron bar; thence run easterly along said right of way ninety-five and nine hundredths (95.09) feet to a merestone; thence run northeasterly seventy (70) feet, more or less, along land of Hyde Harmon; thence run southeasterly, fifty (50) feet, more or less, across Gurley Road to the place of beginning.

TM Volume 11, pages 193, 214

ORDINANCE CHANGING NAMES OF CERTAIN HIGHWAYS

To change the names of the following roads as indicated:

Present Name	New Name
Beechwood Road (Gorton Lake)	No Beechwood Road
Beachwood Road (Giants Neck Heights)	So Beechwood Road
Bride Brook Road (Boston Post Rd to Rt 156)	No Bride Brook Road
Bride Brook Road (Giants Neck Beach)	So Bride Brook Road
Cobblers Court (Carriage Hill)	No Cobblers Court
Cobblers Court (Roxbury Park)	So Cobblers Court
Edgewood Road (Smith Cove)	No Edgewood Road
Edgewood Road (Giants Neck Heights)	So Edgewood Road
Ledge Rock Road (No Laurel Hill)	No Ledge Rock Road
Ledge Rock Road (So Laurel Hill)	So Ledge Rock Road
Lee Road (Giants Neck Heights)	No Lee Road
Lee Road (Giants Neck Beach)	So Lee Road
Main Street (Pine Grove)	No Main Street
Pattagansett Road (Giants Neck Beach)	West Pattagansett Rd
Pattagansett Road (Niantic)	East Pattagansett Rd
Pine Street (Saunders Point)	No Pine Street
Pine Street (Pine Grove)	So Pine Street
Society Road (NE of Dean Road)	East Society Road
Society Road (E of Ct Tpke & Bride Brk Rd)	West Society Road
Washington Avenue (Niantic) (by correction)	No Washington Ave
Washington Avenue (Crescent Beach) (by correction)	So Washington Ave

This ordinance will become effective on January 1, 1974.

TM Volume 11, pages 234 236 345

ORDINANCE ALLOWING BAZAARS AND RAFFLES

The provisions of Sections 7-170 to 7-186, inclusive, of the Connecticut General Statutes, as amended, providing for the operation of bazaars and raffles in the Town, are adopted.

This ordinance shall become effective ten (10) days after publication.

TM Volume 11, pages 231 233

SOIL EROSION AND SEDIMENT CONTROL ORDINANCE

SECTION 1. DEFINITIONS

1.1 "Certification" means a signed, written approval by the Planning Commission or its designated agent or the Zoning Commission or its agent, that a soil erosion and sediment control plan complies with the applicable requirements of this ordinance.

1.2 "County Soil and Water Conservation District" means the New London County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

1.3 "Development" means any construction or grading activities to improved or unimproved real estate.

1.4 "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

1.5 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

1.6 "Grading" means the excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

1.7 "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

1.8 "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site or origin by erosion.

1.9 "Soil" means any unconsolidated mineral or organic material of any origin.

1.10 "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to a map and narrative.

SECTION 2. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

2.1 A soil erosion and sediment control plan shall be submitted to the planning commission or its designated agent with any application for subdivision approval when the disturbed area of such development is cumulatively more than one-half acre.

2.2 A soil erosion and sediment control plan shall be submitted to the Zoning Commission or its agents for any development project, not under the jurisdiction of the Planning Commission, when the disturbed area of such development is cumulatively more than one-half acre.

2.3 A single family dwelling that is not part of a subdivision of land shall be exempt.

SECTION 3. EROSION AND SEDIMENT CONTROL PLAN

3.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative, equivalent principles, methods and practices may be used with prior approval of the Commission having jurisdiction.

3.2 Said plan shall contain, but not be limited to:

A. A narrative describing:

1. the development;
2. the schedule for grading and construction activities including:

   a. start and completion dates;

   b. sequence of grading and construction activities;

   c. sequence for installation and/or application of solid erosion and sediment control measures;

   d. sequence for final stabilization of the project site.

3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities
4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent properties;
2. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3. the existing structures on the project site, if any;
4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission having jurisdiction or its designated agent.

SECTION 4. MINIMUM ACCEPTABLE STANDARDS

4.1 Plans for soil erosion and sediment control shall be developed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion or sedimentation.

4.2 The standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission having jurisdiction may grant exceptions when requested by the applicant as long as the proposed activity will not result in consequences inconsistent with the purpose of this ordinance and those standards.

4.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative equivalent method is approved by the Commission having jurisdiction.

SECTION 5. ISSUANCE OR DENIAL OF CERTIFICATION

5.1 The Commission having jurisdiction shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this ordinance or deny certification when the development proposal does not comply with this ordinance.

5.2 Nothing in this ordinance shall be construed as extending the time limits for the approval of any application under Chapters 124, 124a or 126 of the General Statutes.

5.3 Prior to certification, any plan submitted to the Planning Commission or the Zoning Commission may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

5.4 The Commission having jurisdiction may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

SECTION 6. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

6.1 The estimated costs of measures required to control soil erosion and soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Planning Commission in accordance with the provisions specified under its regulations where the Planning Commission has jurisdiction.

6.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

6.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

6.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

SECTION 7. INSPECTION

7.1 Inspections shall be made by the Commission having jurisdiction or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. Such Commission may require the permittee to verify through progress reports that soil

erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 8. PRIORITY OF PLANNING REGULATIONS AND ZONING REGULATIONS

8.1 This ordinance shall not apply to any development under the jurisdiction of the Planning Commission or Zoning Commission when the Commission having jurisdiction has relevant regulations in effect.

June 18, 1985 TM Volume 15, page 195

ORDINANCE CHANGING NAME OF LAKE AVENUE (CRESCENT BEACH) TO TERRACE AVENUE, AND PROSPECT AVENUE (NIANTIC) TO HAIGH AVENUE

To change the name of Lake Avenue (Crescent Beach) to Terrace Avenue, and Prospect Avenue (Niantic) to Haigh Avenue.

This ordinance shall become effective January 1, 1974.

TM Volume 11, pages 276, 281

ORDINANCE CONCERNING ABANDONMENT OF PORTIONS OF ANCIENT HIGHWAY

WHEREAS, the Board of Selectmen, as authority charged with maintenance of highways within the Town, has determined that the public does not make use of the portions of Ancient Highway hereinafter described, and that public convenience and necessity do not require the Town to maintain said portions of Ancient Highway as highways, and

WHEREAS, the Planning Commission has approved the discontinuance of the portions of Ancient Highway hereinafter described,

NOW, THEREFORE, the portions of Ancient Highway hereinafter described are discontinued as highways:

four certain tracts of land located in the Town of East Lyme, County of New London and State of Connecticut, lying east and west of the sixty (60) foot wide right-of-way of Ancient Highway, more particularly bounded and described as follows:

TRACT I: Beginning at the southwest corner of the within described tract at its intersection with the southeast corner of Lot No. 1 in “Pond View Manor” now or formerly owned by Scotts Orchard Inc., said point being in the northerly line of the proposed Webster Road; thence proceeding north 00 degrees 51’ 03” east 486.09 feet to a recovered Connecticut Highway Department bound, bounding westerly on said Scotts Orchard, Inc. land, land now or formerly of Johnson and a stone wall and land now or formerly of Batting; thence proceeding north 02 degrees 26’ 12” east 54.54 feet to a recovered Connecticut Highway Department monument; thence proceeding south 81 degrees 17’ 49” east 7.66 feet to a merestone; thence in a general southeasterly direction along the arc of a curve having a radius of 30 feet to another merestone; thence south 00 degrees 51’ 03” west 479.95 feet along Ancient Highway to a merestone; thence in a general southwesterly direction along the arc of a curve having

a radius of 30 feet at the intersection of Ancient Highway and Webster Road for a distance of 47.70 feet to a merestone; thence north 88 degrees 03' 28" west along the northerly line of said proposed Webster Road 4.43 feet to the point of beginning.

TRACT II: Beginning in the southerly line of the proposed Webster Road at the northwesterly corner of the within described tract and the northeasterly corner of Lot No. 2 in "Pond View Manor" owned now or formerly by Scotts Orchard Inc.; thence south 00 degrees 51' 03" west a distance of 208.29 feet along Lot No. 2 and a portion of Lot No. 3 in "Pond View Manor" to a point; thence south 89 degrees 08' 57" east 35 feet to a point; thence north 00 degrees 51' 03" east 178.22 feet along Ancient Highway to a point; thence along the arc of a curve concave to the southwest with a radius of 30 feet at the intersection of Ancient Highway and Webster Road for a distance of 46.55 feet to a point; thence north 88 degrees 03' 28" west 5.58 feet along Webster Road to the point of beginning.

TRACT III: Beginning at a drill hole set in a stone wall at the northeasterly corner of the within described tract at land now or formerly of George J. Achenbach; thence south 01 degrees 30' 35" east along said stone wall and Achenbach land 53.52 feet to a recovered drill hole in said stone wall; thence south 13 degrees 56' 24" west along land now or formerly of Theodore Han to a drill hole; thence north 89 degrees 08' 57" west 8.02 feet to a merestone; thence north 00 degrees 51' 03" east 134.52 feet more or less, along Ancient Highway to a point; thence south 89 degrees 08' 57" east 24.66 feet along Ancient Highway to the point of beginning.

TRACT IV: Beginning at a merestone set in a stone wall at the southeasterly corner of the within described tract at its intersection with the southwesterly corner of land now or formerly of Mingo; said point also being in the northerly line of the proposed Parker Drive; thence north 01 degrees 09' 59" west 95.43 feet along said wall and Mingo land to a drill hole in said wall; thence north 00 degrees 27' 08" east 104.57 feet along said Mingo land to a recovered copper pipe in a stone wall at the southwesterly corner of land now or formerly of Dubreuil; thence north 01 degrees 07' 06" east 278.84 feet along said wall and Dubreuil land to a recovered Connecticut Highway Department bound at said wall; thence north 00 degrees 18' 45" east 47.00 feet to a recovered Connecticut Highway Department merestone; thence along the arc of a curve concave to the southeast with a radius of 18.38 feet to a merestone; thence south 00 degrees 51' 03" west 482.92 feet along Ancient Highway to a point; thence along the arc of a curve concave to the northeast with a radius of 24.61 feet at the intersection of Ancient Highway and proposed Parker Drive for a distance of 38.21 feet to the point and place of beginning.

Reference is made to a map or plan entitled "Portion of the Ancient Highway East Lyme Connecticut Scale 1"=40' Revised January 14, 1974 and Revised February 19, 1974 McKay Engineering Niantic, Connecticut" on file in the office of the East Lyme Town Clerk.

March 7, 1974 TM Volume 11, page 362 364

ORDINANCE CONCERNING SANITARY LANDFILL TRACT

1. The "sanitary landfill tract" is defined as the entire tract of land owned by the Town and lying north of Roxbury Road and west of Riverview Road, and includes all portions of that tract whether or not actually used as part of the sanitary landfill operation, and the area around the standpipe water reservoir.

1a. The “quarry area” is defined as that portion of the sanitary landfill tract lying west of a line running north and south and passing through the gate on the old quarry road. The quarry area contains the quarry and the standpipe water reservoir.

2. No person except one of the following may go into the sanitary landfill tract for any purpose:

   a. A resident or taxpayer of the Town;
   b. A guest or member of the immediate family of a resident or taxpayer of the Town;
   c. A Town, state, or federal official engaged in government business;
   c. A person engaged in business with or for the Town; or
   d. A person engaged in a business which involves disposing of solid waste originating in the Town.

2.1. No person except one of the following may go into the quarry area for any purpose.

a. A town, state, or federal official engaged in government business.

b. A person engaged in business with or for the town.

c. A person engaged in a business which involves disposing of septic tank waste originating within the town.

3. Except for Town, state, or federal motor vehicles or motor vehicles of persons engaged in business with or for the Town, or motor vehicles of persons engaged in a business which involves disposing of solid waste originating within the Town, no motor vehicle may be brought into, operated in or parked in the sanitary landfill tract unless such vehicle is registered in the name of a natural person who is a resident or taxpayer of the Town, and unless such motor vehicle carries a clearly displayed Marker or identification issued in accordance with regulations to be adopted by the Board of Selectmen.

4. Any vehicle which is authorized under Section 3 of this ordinance to be brought into and parked in the sanitary landfill tract shall be operated and parked only in accordance with regulations to be adopted by the Board of Selectmen, and shall be removed prior to the daily closing of the tract.

5. In order to eliminate congestion, permit orderly conduct of the sanitary landfill operation and furnish security to the equipment and fixtures of the Town located in the sanitary landfill tract, the Town constables and the Connecticut State Police are authorized to remove and tow away, or have removed or towed away by any commercial towing service, any motor vehicle which is brought into, operated in or parked in the sanitary landfill tract in violation of this ordinance and regulations to be adopted by the Board of Selectmen. Motor vehicles so towed away shall be stored at the expense of the owner and may be claimed by the owner upon payment of storage and towing fees as determined by the Board of Selectmen by regulations.

6. Any person violating any provision of this ordinance or the regulations to be adopted by the Board of Selectmen shall be fined not more than one hundred dollars ($100.00) for each offense.

7. This ordinance shall become effective ten (10) days after publication.

November 7, 1974 TM Volume 12, page 44
September 21, 1975 TM Volume 12, page 142

ORDINANCE CHANGING THE NAME OF A PORTION OF UPPER FOUR MILE RIVER ROAD

1. The name of that portion of Upper Four Mile River Road extending northerly from Scott Road to Grassy Hill Road is changed to Whistletown Road.

2. This ordinance shall become effective July 1, 1975.

TM Volume 12, page 73

ORDINANCE PROVIDING FOR ELECTION OF ALTERNATE MEMBERS OF PLANNING COMMISSION

Section 1. At the town election in November of 1975, one alternate member of the Planning Commission shall be elected for a term of two (2) years, two alternate members of the Planning Commission shall be elected for terms of four (4) years.

Section 2. At the town election in November of 1977, the term of the alternate members of the Planning Commission that expires in December, 1977 shall be filled by election for a term of four (4) years.

Section 3. Alternate members of the Planning Commission shall be elected in accordance with Chapter 2 of the Charter. A vacancy occurring among alternate members shall be filled until the next special election or regular Town election by vote of the members of the Planning Commission including any alternate members then serving for absent or disqualified commissioners; but if the vacancy is not filled within thirty (30) days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy by appointment within thirty days thereafter.

Section 4. Within thirty (30) days from the effective date of this ordinance, the Board of Selectmen shall appoint alternate members of the Planning Commission to serve until the persons elected in accordance with the provisions of this ordinance shall have qualified.

Section 5. This ordinance shall become effective ten (10) days after publication.

February 6, 1975 TM Volume 12, page
May 25, 1986 TM Vol 15, Page 341
December 4, 2004 TM Vol 22, page 461 amended

ORDINANCE CONCERNING DAMAGE TO HIGHWAYS

WHEREAS, construction projects, housing developments and other alterations of land may result in damage to town highways and their appurtenances, and

WHEREAS, it would be in the best interests of the town to regulate such work to require that it be done so as to cause the least damage to the highway and its appurtenances, and to insure the repair of any such damage which may occur,

NOW THEREFORE, this ordinance provides as follows:

1.1. No person shall, or shall cause another to, change the grade of any land, or excavate, pave, or fill any land in such a manner as to cause surface water to drain from said land to a highway, without first obtaining a permit in accordance with Section 2 of this ordinance. No such permit shall be granted until and unless it is determined that the work will not cause surface water to drain from such land to a highway in such amounts or in such locations as to interfere with public travel, damage the highway, collect on the highway, or drain from the highway on to land of any other person.

1.2. No person shall, or shall cause another to, excavate in, fill, cut or change the grade of any highway, or perform any other work within the highway limits without first obtaining a permit in accordance with Section 2 of this ordinance.

1.3. No person shall construct, alter, or move any building or other structure, or perform any other work which requires a building permit under the State Building Code, without first obtaining a permit in accordance with Section 2 of this ordinance.

2.1. Applications for such permits shall be made to the Town Engineer, or to such other person as may be designated by the First Selectman, on a form prescribed by the Town Engineer. Such permits shall be signed by the Town Engineer or such other designated person.

2.2. The Town Engineer shall require from the applicant such information as may be necessary to enable him to determine the nature of the proposed work and what construction methods and details should be required to satisfy the provisions and intent of this ordinance.

2.3. When, in his opinion, the best interests of the town make it advisable, he may require a plan and profile prepared by a professional engineer at the expense of the applicant.

2.4. The First Selectman, upon the recommendation of the Town Engineer, may require from the applicant evidence of liability insurance and a surety bond, in such amounts as may be, in the opinion of the Town Engineer, advisable for the protection of the town. The Town Engineer shall, from time to time, recommend to the First Selectman reductions and releases of such surety bonds insofar as that may be done consistent with satisfying the provisions and intent of this ordinance, and the First Selectman may thereupon reduce and release such bonds.

3.1. This ordinance shall not apply to work undertaken by or for the State of Connecticut or the town.

3.2. When the Town Engineer determines that the proposed work will not affect a town highway, he shall waive the provisions of this ordinance.

4. Any permit granted hereunder may be suspended, modified or revoked by the Town Engineer if unforeseen conditions or events occur or if there shall be failure to comply with the provisions of the permit.

5. Any person claiming to be aggrieved by the action of the Town Engineer hereunder may appeal therefrom to the First Selectman within thirty (30) days from the date of the action appealed from. Any person claiming to be aggrieved by the decision

of the First Selectman on such an appeal, or by the action of the First Selectman under Section 2.4 of this ordinance, may appeal therefrom to the Board of Selectmen within thirty (30) days from the date of the decision by the First Selectman on such an appeal or the date of the action of the First Selectman under Section 2.4 of this ordinance. Any such appeal shall be made in such manner and form as shall be determined by the First Selectman. Within thirty (30) days from the date of the appeal, a hearing shall be held thereon after notice is given to all parties deemed to have an interest. The decision or action appealed from may be approved, disapproved or modified in order to satisfy the purposes of this ordinance.

6. Any person violating any provision of this ordinance may be fined up to one hundred dollars ($100.00). Each day on which a violation shall continue shall be deemed a separate violation.

7. This ordinance shall become effective ten (10) days after publication.

September 21, 1975 TM Volume 12, page 149

ORDINANCE CONCERNING TAX ABATEMENT FOR LOW AND MODERATE INCOME HOUSING

Section 1. Definitions. For the purpose of this ordinance:

(a) "Low and moderate income housing" means housing, the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sales prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits, and shall be deemed to include the land on which such housing is situated.

(b) "Owner" means a person or persons, partnership, joint venture, or corporation who or which has executed, or will execute, a regulatory agreement or other instrument with a governmental agency which limits occupancy of the low and moderate income housing owned or to be owned by such person or persons, partnership, joint venture or corporation to persons or families whose incomes do not exceed prescribed limits.

Section 2. Contracts for Abatement. The Board of Selectmen may enter into contracts for the Town with owners of low and moderate income housing granting abatement, in whole or in part, of the real property taxes on such housing; provided, that such abatement need not be conditioned upon receipt of state reimbursement to the Town for such abatement; and provided, further that each such contract shall require that the owner apply the money equivalent of the taxes so abated to one or more of the following specified purposes:

(i) to reduce rents below the levels which would be achieved in the absence of abatement;

(ii) to improve housing quality and design;

(iii) to effect occupancy by persons and families of varying income levels, within prescribed limits; or

(iv) to provide necessary related facilities.

The amount of such abatement shall be established in each such contract, giving due consideration to the purpose or purposes to which the money equivalent of the taxes so abated is to be applied.

Section 3. Term. The abatement shall become effective on the date specified in the contract between the Town and the owner of low and moderate income housing. The term of abatement shall extend for the remainder of the fiscal year in which such abatement becomes effective and may continue for a period not to exceed thirty nine (39) consecutive fiscal years thereafter; provided, that such abatement shall terminate at any time when the property for which tax abatement had been granted is not used solely for low and moderate income housing.

Section 4. Valuation. For the purpose of determining the amount of taxes to be abated as aforesaid, the present true and actual value of low and moderate income housing on which rents and carrying charges are limited by regulatory agreement with, or otherwise regulated by, the federal or state government or department or agency thereof, shall be based upon and shall not exceed the capitalized value of the net rental income of such housing; provided, that for the purposes of this section, "net rental income" shall mean gross income as limited by the schedule of rents or carrying charges, less reasonable operating expenses and property taxes.

Section 5. State Assistance. The Board of Selectmen may enter into contracts with the state for financial assistance by the state in the form of reimbursement for all or any part of the tax abatement granted to an owner of low and moderate income housing in accordance with this ordinance but the entering into of such a contract for financial assistance need not be a condition of any tax abatement.

Section 6. Effective Date. This ordinance shall take effect ten (10) days after publication.

April 6, 1976 TM Volume 12, page 220

ORDINANCE CONCERNING SOLICITATION OF CHARITABLE FUNDS

1. As used in this ordinance:

a. "charitable organization" means any benevolent, educational, philanthropic, humane, patriotic or eleemosynary person or one holding itself out to be a charitable organization or one which has received a tax exemption from the United States government or any state or municipality by reason of its charitable nature or any person, other than a professional fund-raising counsel or professional solicitor, who solicits or obtains contributions solicited from the public for charitable purposes;

b. "Act" means the "Solicitation of Charitable Funds Act" (Chapter 299a of the Connecticut General Statutes, Revision of 1958, as amended from time to time).

2. No charitable organization and no religious organization shall solicit contributions within the Town of East Lyme, or have funds solicited on its behalf, unless prior to any solicitation, it obtains a permit from the First Selectman.

3. Any applying charitable organization which is exempt from registration requirements under the Act, and any charitable organization which has filed a current registration statement and is in good standing with the Connecticut Department of Consumer Protection shall, after verification of its status, be issued a permit for a period not to exceed one year. Any person applying for a religious organization shall, after establishing his identity and his authority to act for such religious organization, be issued a permit for a period not to exceed one (1) year.

4. Any person who shall violate any provision of this ordinance shall be fined not more than one hundred dollars ($100.00) for each such offense. Any violation of the provisions of this ordinance or of the Act shall be grounds for suspension or revocation of a permit.

This ordinance shall become effective ten (10) days after publication.

April 6, 1976 TM Volume 12, page 223

ORDINANCE PRESCRIBING FEES FOR BUILDING AND DEMOLITION PERMITS

1. The fee for any building permit shall be at the rate of $10.00 for each $1,000 of construction value or fraction thereof. The minimum fee shall be $50.00.

2. The Chief Building Official shall determine the value of the work to be done, based upon such standard referral data as he deems appropriate. Such reference data shall be posted in the Building Department**. The Chief Building Official, at his discretion, may direct an applicant to hire the International Code Council or any other consulting firm to perform plan review for any project. The cost of said review service shall be paid by the applicant directly to the firm performing the plan review. The cost of this service shall be deducted from the total fee as per items one and two of this ordinance.**

3. The fee for a demolition permit shall be $50.00.

4. No permit fee shall be payable for any work to be done by or for the Town.

5. The Board of Selectmen may waive any permit fee, in whole or in part, for any work to be done by or for a non-profit organization, when the Board deems it in the public interest to do so.

November 26, 1990 TM Volume 17, page 370 Amended
March 30, 1995 TM Volume 21, page 9
May 15, 2008 TM Volume 22, page 787 Amended
Amended by Board of Selectmen June 15, 2011

ORDINANCE ESTABLISHING FINES FOR ILLEGAL PARKING

The fine for parking in the Town of East Lyme in violation of the General Statutes or the rules enacted by the Board of Selectmen, as the traffic authority of the town, shall be $5.00 for each offense.

June 24, 1976 TM Volume 12, page 240

ORDINANCE CONCERNING LOST GOODS

1. The provisions of Sections 50-9 to 50-13 of the Connecticut General Statutes, Revision of 1958, as amended, are adopted and made applicable to lost goods within the Town of East Lyme.

2. Any person who finds and takes possession of any article of the value of one dollar ($1.00) or more shall report the finding of such article to the Police Department of the town within forty-eight (48) hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the Police Department the date, time and place of finding, his name and address and a description of the article found and, within a period of one week from such finding, shall deliver such article to the Police Department. Any person who violates or fails to comply with the provisions of this section shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty (30) days or both.

3. The Police Department shall, commencing within one week from the date of receipt of any lost article, advertise a general description of such article once a week for at least two successive weeks in a newspaper having a circulation in the town and shall retain custody of such article for six months from the date of receipt thereof, unless it is claimed by the rightful owner within such six months' period. The requirement of advertising may be omitted when the value or estimated value of the article is less than two dollars ($2.00). Perishable or obnoxious property or articles of a dangerous or harmful nature may be sold or otherwise disposed of as soon as practicable on the best terms available.

4. If the owner of any such article claims it within six months from the date of receipt by the Police Department, the article or the proceeds thereof shall be restored to him upon payment or deduction of all proper charges.

5. If no owner claims such article within six months from the receipt thereof by the Police Department, the Police Department shall, within two weeks thereafter, notify the finder of such fact by registered or certified mail at his last-known address, and the article or the proceeds thereof shall be turned over to the finder, upon demand by him within thirty (30) days from the expiration of the six months' period and upon payment or deduction of all proper charges; but, if such finder fails to demand such article or the proceeds thereof or refuses to pay such charges within thirty (30) days from the expiration of the six months' period, such article or proceeds shall belong to the town. The requirement of notification may be omitted when the value or estimated value of the article is less than five dollars ($5.00).

6. The Police Department shall sell at public auction any articles which it acquires as provided herein after the expiration of time for the owner or finder to demand the same and after the time and place of such sale and a description of the articles to be sold have been advertised once a week for two successive weeks in a newspaper having a circulation in the town. The net proceeds from such sales and the unclaimed net proceeds from the sales of perishable or obnoxious property or articles of a dangerous or harmful nature shall be paid to the Treasurer of the town, who shall deposit them in the Police Benefit Fund, if any, of the town.

August 3, 1976 TM Volume 12, page 255

ORDINANCE CONCERNING SALARY FOR TOWN CLERK

1. The Town Clerk shall receive a salary in lieu of all fees and other compensation provided for in the General Statutes, commencing September 1, 1976.

2. The salary of the Town Clerk shall be fixed by the Board of Selectmen, subject to necessary appropriation.

3. Commencing September 1, 1976, all fees and other compensation which the General Statutes provide should be paid to the Town Clerk, shall be collected by the Town Clerk and deposited in the General Fund of the town.

September 1, 1976 TM Volume 12, page 272

ORDINANCE CONCERNING ABANDONMENT OF PORTIONS OF SOUTH RIDGE ROAD

WHEREAS, the Board of Selectmen, as authority charged with maintenance of highways within the Town, has determined that the public does not make use of portions of South Ridge Road hereinafter described, and that public convenience and necessity do not require the Town to maintain said portions of South Ridge Road as highways, and

WHEREAS, the Planning Commission has approved the continuance of the portions of South Ridge Road hereinafter described,

NOW, THEREFORE the portions of South Ridge Road hereinafter described are discontinued as highways:

Two certain pieces or parcels of land, being portions of a cul-de-sac at South Ridge Road, located in the Town of East Lyme, County of New London and State of Connecticut as shown on a map or plan of “Laurel Hill Acres,” Part II, Section IV, East Lyme, Connecticut, September 15, 1965, Scale 1”=40’, sheet 1 of 1, Frederick A. Radcliffe, Consulting Civil Engineer, Essex Industrial Park, Centerbrook, Connecticut, more particularly described as follows, viz:

First Parcel:

Commencing at a merestone in the westerly line of South Ridge Road, as shown on said plan, at the commencement of a cul-de-sac, said merestone being located in the easterly line of Lot No. 25, as shown on said plan; thence southerly curving to the right and running fourteen and thirty-six hundredths (14.36) feet to Lot No. 26, as shown on said plan; thence continuing along the same curve to the right thirteen and forty-two hundredths (13.42) feet to a merestone in the easterly line of Lot No. 26, as shown on said plan; thence following the arc of the curve of the cul-de-sac having a radius of fifty (50) feet, by and along said Lot No. 26 ninety-one and sixty-three hundredths (91.63) feet to another merestone in the easterly line of Lot No. 26, as shown on said plan; thence northerly in a straight line to the merestone at the point and place of beginning.

Second Parcel:

Commencing at a merestone in the easterly line of South Ridge Road, as shown on said plan, at the commencement of a cul-de-sac, said merestone being located in the westerly line of Lot No. 28, as shown on said plan; thence southerly curving to the left and running nine and four hundredths (9.04) feet to Lot No. 27, as shown on said plan; thence continuing along the same curve to the left eighteen and seventy-one hundredths (18.71) feet to a merestone in the westerly line of Lot No. 27, as shown on said plan; thence following the arc of the curve of the cul-de-sac having a radius of fifty (50) feet, by and along said Lot No. 27 ninety-one and sixty-three hundredths (91.63) feet to another merestone in the westerly line of said Lot No. 27, as shown on said plan; thence northerly in a straight line to the merestone at the point and place of beginning.

November 18, 1976 TM Volume 12, page 282

ORDINANCE REPEALING ORDINANCE ENTITLED "ORDINANCE ESTABLISHING A SCHOOL BUILDING COMMITTEE"

The ordinance entitled "ORDINANCE ESTABLISHING A SCHOOL BUILDING COMMITTEE" is hereby repealed.

July 1, 1977 TM Volume 12, page 335

AMENDMENT TO ORDINANCE ENTITLED "ORDINANCE SETTING DATE FOR ANNUAL TOWN MEETING"

The ordinance entitled "Ordinance Setting Date for Annual Town Meeting" is amended to read as follows:

ORDINANCE SETTING DATE FOR ANNUAL TOWN MEETING

The annual town meeting and the annual budget meeting shall be the second Monday in May each year, commencing with the annual town meeting to be held May 8, 1978 for the fiscal year commencing July 1, 1978.

December 5, 1977 TM Volume 13, page 38

ORDINANCE CONCERNING PROPERTY ACQUIRED BY TAX-EXEMPT ORGANIZATIONS

1. The property tax exemption authorized by subsections (7) to (16), inclusive, of Section 12-81 of the General Statutes, as amended, shall be effective as of the date of acquisition of the property to which the exemption applies by a tax-exempt organization.

2. The Board of Selectmen shall, upon application by such a tax-exempt organization, authorize reimbursement of such organization for any tax paid by it for a period subsequent to such date of acquisition, and for any tax paid by the prior owner subsequent to such date of acquisition for which such organization reimburses such owner.

December 5, 1977 TM Volume 13, page 38

RESOLUTION REGARDING DATE TAXES BECOME DUE IN TOWN OF EAST LYME

To designate April 1, 1977 as the date on which property taxes for the tax year beginning September 1, 1976 and ending June 30, 1977 shall be due and payable.

To provide that commencing on July 1, 1977, property taxes shall be due and payable in two equal semi-annual installments with the first installment due and payable on July 1 and the second installment due and payable on January 1; provided, however, that all property taxes on motor vehicles shall be due and payable in a single installment on July 1, as required by the 1976 General Assembly; provided further, that all other property taxes of $100.00 or less shall be due and payable in full on July 1.

ASSESSMENT DATE

To designate October 1, 1976 as the assessment date for property taxes on motor vehicles for the tax year ending June 30, 1977, as required by the 1976 General Assembly.

TM Volume 12, page 246

ORDINANCE CONCERNING SMITH-HARRIS HOUSE COMMISSION

1. The responsibility for the management, control, restoration and repair of the Smith-Harris House and the land and improvements appurtenant thereto, is hereby vested in the Smith-Harris House Commission.

2. The Smith-Harris House Commission is authorized to enter into agreements for the use of the property, and to set reasonable fees therefore.

3. There shall be seven (7) members of the Commission who shall be appointed by the Board of Selectmen in the following manner: All seven terms shall be filled by appointment within thirty (30) days from the effective date of this ordinance, four terms to expire on the first Monday of January, 1980 and three terms to expire on the first Monday of January, 1982. Each of said terms shall be filled upon its expiration for four years.

March 28, 1978 TM Volume 13, page 101

AMENDED ORDINANCE CONCERNING
TERMS OF APPOINTMENT AND QUALIFICATIONS OF CONSTABLES

1.1. Appointments

1.1.1. The Board of Selectmen shall have the sole authority to appoint Constables and Special Constables.

1.1.2. The Board of Selectmen shall have the sole authority to prepare, direct preparation of, and enter into agreements for the examination and training of Constables and Special Constables.

2.1. Terms

2.1.1. The appointment of a Constable shall terminate upon the occurrence of any of the following:

2.1.1.1. The Constable reaches the age of sixty-five.

2.1.1.2. The Constable ceases to satisfy the requirements of any of the subsections of section 3.1.1.

2.1.1.3. The Constable ceases to work full-time for the town as a Constable, either voluntarily, or because of a reduction in the number of Constables by the Board of Selectmen.

2.1.1.4. The Town establishes a police department in accordance with the provisions of chapter 104, part i of the Connecticut General Statutes.

2.1.1.5. The Constable is removed for cause in accordance with section 4.7 of the charter.

2.1.1.6. During the first six months of the Constable's appointment, which shall be a probationary period, the Board of Selectmen terminates the appointment. Such termination shall not require compliance with the provisions of section 4.7 of the charter.

2.1.2. Notwithstanding the provisions of Section 2.1.1., the Board of Selectmen may waive the requirements of Section 3.1.1.2. for any Constable who in all respects satisfied the requirements of Section 3.1. at the time of appointment, where, in the opinion of the Board of Selectmen, a personal hardship is involved and the interests of the Town of East Lyme make such waiver advisable.

2.1.3. Special Constables may be appointed as the Board deems necessary for a term specified by the Board. No term for a Special Constable shall exceed six months.

3.1. Qualifications

3.1.1. In order to qualify for appointment as a Constable, the candidate shall:

3.1.1.1. Be a citizen of the United States.

3.1.1.2. Be a resident in and be an elector of the Town of East Lyme or of any Town contiguous to the Town of East Lyme.

3.1.1.3. Be at least eighteen (18) years of age at the time of appointment.

3.1.1.4. Submit to the Board of Selectmen evidence, furnished by a physician, of good physical condition.

3.1.1.5. Be free from mental disorder.

3.1.1.6. Demonstrate mental alertness and ability in oral and written expression to an examining board which shall be selected for each examining session by the Chief of Police, with the approval of the Board of Selectmen.

3.1.1.7. Have served East Lyme as a Special Constable for a period of not less than sixty (60) days.

3.1.1.8. Be of good moral character, have never been convicted of an offense involving moral turpitude, nor been separated from the Armed Forces except under honorable circumstances.

3.1.1.9. Demonstrate physical ability to perform the duties of a Constable.

3.1.1.10. Be selected for full-time employment as a Constable.

3.1.2. In order to qualify for appointment as a Special Constable, the candidate shall meet all the requirements for qualification for appointment as a Constable with the exception of those specified in section 3.1.1.7. The Board of Selectmen may waive the requirements of section 3.1.1.9 for any candidate for Special Constable where, in the opinion of the Board of Selectmen, the nature of the duties to be performed by the candidate will not require the same degree of physical ability as that required of a Constable. (Special Constables to serve as “school crossing guards” only are also exempt from section 3.1.1.4.)

3.1.3. [Constables and Special Constables in the service of the Town of East Lyme as of April 1, 1966 shall be considered qualified for appointment as Constables.]

4.1. Regulations

The Board of Selectmen may, from time to time, enact, amend and rescind regulations for the examination of qualifications of prospective Constables and Special Constables, and for the conduct of Constables and Special Constables. A violation of such regulations shall be cause for removal under section 4.7 of the Charter.

5.1. Repeal of Other Ordinances and Resolutions

5.1.1. All other ordinances and resolutions concerning the terms of appointment and qualifications of Constables and Special Constables are hereby repealed.

February 20, 1979 TM Volume 13, page 193

ORDINANCE ESTABLISHING CIVIL PREPAREDNESS AGENCY

(1) There is constituted a Civil Emergency Management Agency which shall perform such civil preparedness functions in the Town as the State Director of Emergency Management prescribed, and shall perform such functions outside the Town as are prescribed by the State Emergency Management Plan and Program and by the terms of any mutual aid agreements to which the Town is a party.

(2) Each Selectman shall be a member of the Agency. The Board of Selectmen may appoint additional members in accordance with the provisions of Chapter 4 of the Charter.

(3) The Board of Selectmen shall appoint a Town Director of Emergency Management for a term to expire on the first Monday of January, 1980. Said term shall be filled upon expiration for four (4) years.

(4) The Director shall be responsible for the organization, administration, and operation of the Agency, subject to the direction and control of the State Director, and subject to the provisions of Section 5 of this ordinance. He may, with the approval of the State Director, collaborate with other public and private agencies within the State and develop or cause to be developed mutual aid agreements for civil preparedness aid and assistance in case of disaster too great to be dealt with unassisted. He may, with the approval of the State Director, enter into such mutual aid agreements with civil preparedness agencies or organizations in other states. Such agreements shall be consistent with the State Emergency Preparedness Plan and Program and, in time of emergency, the Agency shall render assistance in accordance with the provisions of such agreements to which it is a party unless otherwise ordered by the State Director.

(5) In the event of a serious disaster or a sudden emergency, the Agency shall be under the direction and supervision of the First Selectman, and the Director shall act as his advisor and Chief of Staff. In that event, the First Selectman may declare a state of emergency for the Town if, in his opinion, such a declaration is necessary, whereupon he shall immediately call an emergency meeting of the Board of Selectmen which shall confirm or revoke the declaration. In such an event, the First Selectman is empowered to apply to the State and the Federal government for disaster assistance.

August 15, 1979 TM Volume 13, page 249
December 19, 1988 TM Volume 16, page 298 Amended

ORDINANCE CONCERNING DISCONTINUANCE OF PINE GROVE ROAD

WHEREAS, the Board of Selectmen, as the authority charged with the maintenance of highways within the town, has determined that public convenience and necessity does not require the town to maintain the Pine Grove Road hereafter described as a highway, and

WHEREAS, the Planning Commission has approved the discontinuance of the Pine Grove Road hereafter described as a highway,

NOW THEREFORE, the Pine Grove Road hereafter described is discontinued as a highway:

A certain piece or parcel of land located in the Town of East Lyme, County of New London and State of Connecticut referred to and described as Parcel 1 on a map or plan entitled "State of Connecticut Military Department Subdivision Plan Map of a Portion of Camp Grasso, Niantic, CT, Town of East Lyme Assume Coordinates Scale: 1 IN=40 FT

29 MAR 1979 Harry T. Jarrett Date 29 MAR 1979 Reg. No. 7570", which map or plan is recorded or will be recorded in the Office of the Town Clerk for the Town of East Lyme.

The effective date of this ordinance will be ten (1) days after publication of notice of its adoption. September 23, 1979 TM Volume 13, page 296

ORDINANCE PROVIDING FOR APPOINTMENT OF ALTERNATE MEMBERS OF CONSERVATION COMMISSION

SECTION 1. Pursuant to the authority granted by Public Act 79-84 of the General Assembly, and in accordance with Chapter 4 of the Charter, there shall be three alternate members of the Conservation Commission appointed by the Board of Selectmen.

SECTION 2. Two terms shall be filled by appointment until the first Monday of January, 1982, at which time they shall be filled by appointment for four years. One term shall be filled by appointment until the first Monday of January, 1984, at which time it shall be filled by appointment for four years. Upon their expiration, all terms shall be filled by appointment for four years.

SECTION 3. This ordinance shall become effective ten (10) days after publication.

December 11, 1979 TM Volume 13, page 326

WATER AND SEWER COMMISSION WATER RATES AND CHARGES

SCHEDULE I – RATES FOR USAGE based on meter readings at six month intervals.

	Rate
Minimum charge per six month period, for usage up to a maximum of 3,500 gallons per six month period	$ 35.00
3,501 gallons, to 50,000 gallons per six month period	$3.05/1,000 gallons
3,501 gallons, to 675,000 gallons per six month period	$3.36/1,000 gallons

3,501 gallons to over 675,000 gallons per six month period	$3.66/1,000 gallons

SCHEDULE II – MISCELLANEOUS WATER CHARGES
Proposed changes are in bold print

ANNUAL PRIVATE HYDRANT CHARGE	$150.00
ANNUAL FIRE SPRINKLER CHARGE	$150.00
METER CHARGES (FLAT RATE)	
Meter Deposits	$ 70.00
Frozen Meter Repair (normal working hours)	$ 60.00
Frozen Meter Repair (after normal working hours)	$ 90.00
Install/Disconnect Meter (normal working hours)	no charge
Install/Disconnect Meter (after normal working hours)	$ 60.00
Meter Test (accurate within 2%)	$ 60.00
Meter Test (meter error > 2%)	no charge
SALE OF WATER DEPT. STOCKED MATERIALS	Cost, incl. Shipping, plus 12% admin fee
INSPECTION SERVICES (HOURLY RATE)	
During Normal Working Hours	$60.00/hr
After Normal Working Hours	$90.00/hr
TURN ON/SHUT OFF (FLAT RATE)	
During Normal Dept. Working Hours	no charge
After Normal Dept. Working Hours	$90.00
Season Customer Turn On/Off>1 per year	$90.00
Turn On (after shut off for nonpayment of water bill)	$60.00
CONNECTION CHARGES	
¾-INCH SERVICE (April 1 to November 30)	$1,900.00
¾-inch service (December 1 to March 31)	$1,900.00 or actual cost
1-inch service or greater	Actual cost incurred

The revised rates and charges shall be effective on November 1, 2006. Rates for usage shall be payable at six month intervals. All other rates shall be payable at the time services are rendered.

Bill Effective Date 5/1/94

November 1, 1980 TM Volume 14, page 49

AMENDED BELOW

November 1, 1985	TM Volume 15, page 229
November 1, 1986	TM Volume 16, page 19
November 1, 1987	TM Volume 16, page 126
July 27, 1993	TM Volume 20, page 5

November 27, 2001 TM Volume 22, page 150
November 1, 2006 TM Volume 22, page 624

WATER AND SEWER COMMISSION
SEWER RATES AND CHARGES

Revised schedule of rates and charges for connection with and use of East Lyme sewerage system:

	Rate
Application for Connection Permit	$100.00
Sale of Stocked Material	Cost, incl shipping, plus 12% admin fee
Inspection Services	
During Normal Working Hours	$60.00/hour
After Normal Working Hours	$90.00/hour
Usage, based on metered water readings at six month interals	
Metered, per six month period	$5.00/1,000 gallons
Unmetered, per six month period	$125.00

These revised rates and charges shall be effective November 1, 2006. Rates for usage shall be payable at six month intervals. All other rates shall be payable at the time services are rendered.

The owners of properties against which the revised rates and charges are to be levied are hereby notified that any appeals from the revised charges must be taken within twenty-one days after the date that this notice was filed with the East Lyme Town Clerk.

November 1, 2006 TM Vol 22, page 625

ORDINANCE CONCERNING THE DISCONTINUANCE OF A PORTION OF CUBLES DRIVE WHILE RESERVING AN EASEMENT FOR DRAINAGE

WHEREAS, the East Lyme Board of Selectmen, as the authority charged with the maintenance of highways within the town, has determined that the public does not make use of the portion of Cubles Drive hereinafter described, and that the public convenience and necessity does not require the town to maintain said portion of Cubles Drive as a highway but does require the town to reserve a perpetual drainage easement, hereinafter described, in said portion of Cubles Drive;

WHEREAS, the Planning Commission has approved the discontinuance of the portion of Cubles Drive hereinafter described, and the reservation of a perpetual drainage easement hereinafter described in said discontinued portion of Cubles Drive,

NOW, THEREFORE, the portion of Cubles Drive hereinafter described is continued as a highway while a perpetual drainage easement hereinafter described in said discontinued portion of Cubles Drive is reserved:

COMMENCING at a point on the westerly side of Cubles Drive at the northeast corner of land now or formerly of Ronald T. and Joanne M. Voog; thence running easterly in a line perpendicular to the westerly line of Cubles Drive fifty (50) feet, more or less, to a point on the westerly line of land now or formerly of Robert G. and Dorothy J. Melander; thence running southerly along said Melander's land to land now or formerly of the State of Connecticut; thence running southwesterly along said State of Connecticut land fifty (50) feet, more or less, to the southeast corner of said Voog's land; thence running northerly one hundred (100) feet, more or less, to the place of beginning.

A permanent easement is hereby reserved by the Town of East Lyme over, under and across that discontinued portion of Cubles Drive described above, for the purpose of carrying surface water from the highway by use of drainage ditches, pipes, or other similar means along with the permanent right of access to the easement premises whenever, from time to time, it shall be necessary or desirable for the town to repair, replace, or maintain the drainage facility located thereon.

January 24, 1981 TM Volume 14, page 78

ORDINANCE CONCERNING THE UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES AND THEIR DISPOSAL

1. The following terms, phrases, words and their derivatives shall have the meanings given herein; words used in singular are deemed to include the plural and vice versa:

1.1. FAILURE: Any leak, split, blockage, malfunction, improper installation or similar occurrence which can or does result in a discharge of a hazardous substance out of a liquid storage system.

1.2. HAZARDOUS SUBSTANCES: All liquid, hydrocarbon products including, but not limited to, gasoline, fuel oil and diesel oil, and any other toxic and corrosive chemicals, industrial waste, radioactive materials, or any substance injurious to the environment, the aquifer, or waterways. This also includes solid materials which if exposed to water will partially dissolve, forming a hazardous liquid and any substance that is defined as hazardous by the Federal Government or the State of Connecticut.

1.3. IMPERMEABLE MATERIAL: A layer of natural and/or manmade material of sufficient thickness, density and composition as to prevent the discharge into the underlying ground water of any hazardous substances for a period of at least as long as the maximum anticipated time during which the hazardous substances will be in contact with the material.

1.4. LIQUID STORAGE SYSTEM: Any combination of tanks, barrels, transmission pipes, vents, and pipe fittings which are used or designed to be used for the storage and/or transmission of hazardous substances, except a sewage treatment system approved by the East Lyme Director of Health or his agent, or by the Connecticut Department of Health.

1.5. PERSON: Any individual, partnership, association, firm, corporation, or any and all combinations of individuals acting in concert as well as individuals.

1.6. WATERWAY: All surface waters, fresh and salt waters, within the Town of East Lyme.

2. This law shall be enforced by the Building Official who is hereby authorized to make inspections of all types of liquid storage systems throughout the Town, to solicit and maintain inventory of such systems and to insure that such systems conform with the provisions of this ordinance. The Board of Selectmen may adopt rules and regulations to enforce and carry out the intent of this ordinance.

3. It shall be unlawful to discharge hazardous substances upon the surface or into the subsurface land, aquifer, or waterway anywhere in the Town by whatever method such discharge may occur. Unlawful discharge includes but is not limited to:

3.1. Failure of underground liquid storage tanks, pipes, or connections;

3.2. Failure of above-ground liquid storage systems;

3.3. Disposal in landfills, drainage systems, any waterways or on the land surface;

3.4. Spills which occur during transport on public or private property;

3.5. Disposal or storage of hazardous substances including, but not limited to contaminated material, soil, sand, or gravel anywhere in the Town.

4. Should the discharge of hazardous substances from any storage system occur as described in this ordinance, the responsible person, in addition to any other penalty as authorized in this ordinance will be required to take immediate action to reclaim the discharged material, restore the environment to its original state, and repair any physical damage caused by the spill, explosion, or clean-up operations.

5. Any person owning a liquid storage system must register with the Building Official by providing a site plan of the property and a complete description of the system, including the location, number, size, composition, type of liquid being stored, and date of original installation of tanks and transmission pipes. Such registry must be done within one (1) year from the effective date of this ordinance on forms prescribed by the Building Official.

5.1. Liquid storage systems installed in a building basement in accordance with existing codes are exempted from this ordinance.

6. It shall be unlawful to install, or replace, any liquid storage system without first securing a permit for the same and paying a permit fee as established by the Board of Selectmen. The permit request shall be prepared on forms prescribed by the Building Official and shall include any information required by him including the manufacturer's installation instructions.

6.1. It shall be unlawful to repair any leak in a liquid storage system without notifying the Building Official and the Fire Marshal within twenty-four (24) hours of discovering the leak. No permit or notification is required for mechanical repairs.

7. All storage systems which are to be constructed or installed after the effective date of this ordinance shall comply with the following construction, installation and testing specifications in addition to any requirements of State and Federal law:

7.1.1. All underground liquid storage systems of more than 1,000 gallon capacity shall be of vaulted construction, equipped with a failure detection system and protected both internally and externally from corrosion and structural failure. Non-corrosive tanks and transmission pipes listed by Underwriters' Laboratories may be used in lieu of vaulted construction.

7.1.2. Installation must be done strictly in accordance with manufacturer's specifications and in accordance with installation procedures approved by the Building Official and/or Fire Marshal. Construction may proceed from stage to stage only upon approval by the inspecting official.

7.1.3. The entire system shall be tested before it is covered as required by the Building Official and/or Fire Marshal. If a failure is detected, work may not proceed until the failure is repaired and the system is retested and no additional failures are found.

7.2.1. Above ground liquid storage systems above 1,000 gallon capacity must be placed within drainage collection areas sized and designed to capture and hold the entire contents of the largest tank of the storage system and to facilitate the recovery of any spillage, in the event of failure. Such drainage areas shall be constructed of impermeable material.

7.2.2. Above ground storage of solid material which can produce a hazardous liquid when it comes into contact with water, must also be stored within a drainage area designed to collect the rain run-off and to recover the dissolved material. Such material may be permanently roofed in lieu of a drainage collection system, but the material must still be stored on a solid surface impermeable to any liquid produced from the material.

7.3. Above ground systems and above ground parts of underground systems must be reasonably protected from damage by motor vehicles, trucks and vandalism.

7. Every existing underground liquid storage system over 1,000 gallons which does not conform on the effective date of this ordinance must be tested for failure, using the final test in the National Fire Protection Association (NFPA) #329 or other test of equivalent or superior accuracy as approved by the official and in accordance with the following schedule:

Age of System at Registration (in years)	Year to be Tested
1-9	Every 4 years
10-19	Every 3 years
20 or more	Every 2 years

Such testing must be performed by a qualified professional testing service doing business in Connecticut and the test results must be presented to the Building Official in a signed and notarized report before December 31 of the year indicated in the schedule.

8.1. Fiberglass tanks shall be tested 10 years after Registration and Vaulted tank tests are to be waived at the discretion of the Building Official.

8.2. If failure is detected, that part of the system which failed must be pumped out immediately and cannot be reused until the system is repaired or replaced as provided for in this ordinance. Recovery of the hazardous substance shall proceed in accordance with the law.

9. Any replacement of underground liquid storage systems in whole or in part as directed by the Building Official must conform with specifications for new construction.

9.1.1. Any underground liquid storage system which fails, but is less than ten (10) years old may be repaired at the direction of the Building Official and in accordance with specifications approved by the Building Official. Any system which fails and which is ten (10) years old or more, must be replaced in accordance with this ordinance.

9.1.2. Any underground liquid storage system which has not been or intended to be in continual use for a period of one year shall be reported within sixty (60) days by the owner to the Building Official.

9.1.3. Any underground liquid storage system which is not intended to be in service shall comply with Section 29-62-88 of the Regulations of Connecticut State Agencies covering the Storage, use and Transportation of Flammable Liquids as follows:

(a) Tanks rendered “temporarily out of service”

1. All flammable liquid that can be pumped out with the service pump shall be removed,
2. The fill line, gauge hatch and pump suction shall be capped and secured against tampering and
3. The vent line shall be left open.

(b) Abandoning underground tanks in place

1. All flammable liquid shall be removed from the tank and from all connecting lines,
2. The suction, inlet gauge and vent lines shall be disconnected.
3. The tank shall be flooded with water.
4. The tank and any remaining pipe stubs shall be filled with an inert solid material,
5. All connecting lines below ground level shall be capped or plugged.

(c) Removal of underground tanks

1. All flammable liquid shall be removed from the tank and from connecting lines,
2. The suction, inlet, gauge and vent lines shall be disconnected,
3. The tanks shall be flushed with water and rendered gas free as indicated by combustible gas indicator,
4. Inlets and outlets shall be capped or plugged and kept capped or plugged during the transportation and storage of the tank,
5. A tank which is to be disposed of as junk shall be retested for explosive vapors and rendered gas free. After the tank is junked and before it is released to a junk dealer, a sufficient number of holes or openings shall be made in it to render it unfit for further use.

9.1.4. New underground liquid storage tanks not designated flammable but hazardous will be treated in the same manner as A, B, and C above.

9.1.5. Conformation with the above paragraph shall be performed within sixty (60) days after notification
of the Building Official.

10. Anyone who wishes to appeal directives of the Building Official where such directive was based on his judgment requiring the replacement of a system, must file a written request for a hearing with the Board of Selectmen within ten (10) days of receipt of the directive. Failure to do so will be considered as an agreement to perform the directed work.

11. The provisions of Sections 5, 6, 7 and 8 shall not apply to any fuel oil storage tank with a capacity of not more than 1,000 gallons.

12. Any person, firm or corporation violating any applicable provision of this ordinance or failing to comply with a lawful order of the Building Official under this ordinance, upon conviction, shall be fined not less than one hundred ($100.00) dollars for each offense and a separate offense shall be deemed committed on each day a violation occurs or continues. In addition, the Building Official may declare the liquid storage system a public nuisance or an immediate hazard and order immediate corrective action. Upon failure to take such action immediately, using town employees and equipment or through independent contractors, and shall charge all the costs incurred to the person whose property contains the nuisance or hazard, and to any person whose act or omission was in violation of this ordinance, who shall be jointly and severally liable.

13. Each section and every part of each section of this ordinance is hereby declared independent of every other section or part hereof and the finding or holding of any section or part hereto to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

June 22, 1981 TM Volume 14, page 117

ORDINANCE CONCERNING FLOOD DAMAGE PREVENTION

SECTION 1.0 Statutory Authorization, Findings of Fact, Purpose and Objectives

1.1. STATUTORY AUTHORIZATION

The Legislature of the State of Connecticut has in the General Statute delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Selectmen of East Lyme, Connecticut does ordain as follows:

1.2. FINDINGS OF FACT

(1) The flood hazard areas of East Lyme are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are adequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To insure that potential buyers are notified that property is in an area of special flood hazard; and,

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting uses which aredangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the interpretation of the Building Official and Zoning Enforcement Officer of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

"Coastal high hazard area" means the area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V1-30.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters and/or

(2) The usual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet.

“Floodway Fringe” means area between the “Floodway” and the boundary of the 100-year flood area.

“Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a “habitable floor”.

“Mobile home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

“New mobile home park or mobile home subdivision” means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

“Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Start of construction” means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

“Structure” means a walled and roofed building or mobile home that is principally above ground.

“Substantial improvement” means any repair, reconstruction, or improvement of a **structure taking place during a ten year period**, the cost of which equals or exceeds 50 percent of the market value of the structure, either:

(1) before the improvement or repair is started, or

(2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is

considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

(1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 3.0 General Provisions

3.1. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of East Lyme, Connecticut.

3.2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of East Lyme, Connecticut" dated December 15, 1980, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file in the Town Hall, East Lyme, Connecticut.

3.3. COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.4. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;
(2) Liberally construed in favor of the governing body; and
(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.6. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger

floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or used permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of East Lyme, Connecticut, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0. Administration

4.1. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Building Official and Zoning Enforcement Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
(2) Elevation in relation to mean sea level to which any structure has been floodproofed;
(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.202;
(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
(5) Plans for any walls to be used to enclose space below the base flood level.

4.2. DESIGNATION OF THE BUILDING OFFICIAL & ZONING ENFORCEMENT OFFICER

The Building Official and Zoning Enforcement Officer are hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL AND ZONING ENFORCEMENT OFFICER

Duties of the Building Official and Zoning Enforcement Officer shall include, but not be limited to:

4.3-1. Permit Review

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits in the area of special flood hazard except in the coastal high hazard area to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this ordinance, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will

not increase the water surface elevation of the base flood more than one foot at any point.

(4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters mangrove stands or sand dunes so as to increase potential flood damage.

(5) Review plans for walls to be used to enclose space below the base flood level in accordance with Section 5.3-2(4).

4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2.BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Official and Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 Information to be Obtained and Maintained

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.

(2) For all new substantially improved floodproofed structures:

(i) verify and record the actual elevation (in relation to mean sea level), and
(ii) maintain the floodproofing certifications required in Section 4.1 (3).

(3) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

(4) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 Alteration of Watercourses

(1) Notify adjacent communities and the Southeastern Connecticut Regional Planning Agency, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 Appeal Board

(1) The Board of Selectmen shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Board of Selectmen shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Board of Selectmen or any taxpayer, may appeal such decision to the Superior Court as provided in the Connecticut General Statutes.

(4) In passing upon such applications, the Board of Selectmen shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size

increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the Board of Selectmen may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(7) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4.4-2 Conditions for Variances

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.

(4) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;
(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.1-4(4), or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate

locations, with mobile homes less than 50 feet long requiring one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4800 pounds; and

(iv) any additions to the mobile home be similarly anchored.

5.1-2 Construction Materials and Methods

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Utilities

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 Subdivision Proposals

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Section 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy; and
(3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 4.3-3(2).

5.2-3 Mobile Homes

(1) Mobile homes shall be anchored in accordance with Section 5.1-1(2).
(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(ii) adequate surface drainage and access for a hauler are provided; and,

(iii) in the instance of elevation on pilings, that:

lots are large enough to permit steps,
piling foundations are placed in stable soil no more than ten feet apart, and
reinforcement is provided for pilings more than six feet above ground level.

(3) No mobile home shall be placed in a coastal high hazard area, except in an existing mobile home park or an existing mobile home subdivision.

(4) No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

5.3 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in Section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.3-1 Location of Structures

(1) All buildings or structures shall be located landward of reach of the mean high tide.

(2) The placement of mobile homes shall be prohibited, except in an existing mobile home park or mobile home subdivision.

5.3-2 Construction Methods

(1) Elevation

All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Section 5.3-2(4).

(2) Structural Support

(i) All buildings or structures shall be securely anchored on pilings or columns.

(ii) Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.

(iii) There shall be no fill used for structural support.

(3) Certification

Compliance with the provisions of Section5.3-2(1) and 5.3-2(2) (i) & (ii) shall be certified to by a registered professional engineer or architect.

(4) Space Below the Lowest Floor

(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.

(ii) Open wood constructed lattice breakaway walls shall be allowed below the base flood elevation provided they are not a part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.

(iii) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

(iv) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Building Official for approval.

5.3-3 Sand Dunes and Mangrove Stands

There shall be no alteration of sand dunes or mangrove stands which could increase potential flood damage.

5.4 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is in an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development except that public utilities and public works projects, or Town-approved public improvements by others including drainage improvements and crossing of the water course, will be permitted provided that the Town Engineer determines that such work has been designed to be consistent with generally accepted engineering and hydrological standards and that the proposed use, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the 100 year flood more than one foot at any point.

"Floodway Fringe" In general any work in Floodway Fringe is to be discouraged.

Encroachments, including fill, new construction and substantial improvements may be permitted with the "Floodway Fringe" provided a registered professional engineer presents a hydraulic analysis to demonstrate that the proposed encroachment will not cause the water surface to rise more than one (1) foot in the base flood (100-year flood) elevation upstream. In determining the floodway required to convey the base flood the engineer must apply equal encroachments on each side of the stream so that all abutters will have equal rights.

This additional hydraulic analysis will only be required when in the opinion of the Administrator the distances between the stream cross sections used in the original hydraulic study are too great to arrive at a proper conclusion.

June 22, 1981 TM Volume 14, page 122 Dec. 19, 1988
TM Volume 16, page 262 Amended
Amendment effective July 1, 2011

AMENDMENT TO ORDINANCE CONCERNING FLOOD DAMAGE PREVENTION

The Ordinance Concerning Flood Damage Prevention which became effective June 22, 1981, as may be amended from time to time, is hereby amended to conform with the revised Flood Insurance Rate Maps & Floodway Maps dated June 15, 1984 and the Flood Insurance study supplement - "Wave Height Analysis" dated December 15, 1983, which indicate the revised base flood elevation for East Lyme.

This amendment shall become effective ten (10) days after publication.

June 19, 1984 TM Volume 15, page 93

ORDINANCE CONCERNING
ESTABLISHMENT OF FIRE ZONES

1. Definition. A fire zone is a designated, unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment from a public highway to all necessary areas or portions of any private or public property as hereinafter set forth.

2. Establishment. Whenever the Fire Marshal shall determine that the reasonable safety of persons occupying or using any premises, public or private, having a capacity of at least fifteen (15) persons requires the establishment of a fire zone for orderly access of fire and other emergency equipment, he shall establish such fire zone by written order and cause to be made public announcement of such fire zone establishment. He shall cause a copy of such order to be delivered to the owner or owners, or agents thereof, of any private land on which such fire zone is established and file a copy of such order with the First Selectman.

3. Appeal from Establishment. Any person aggrieved by such order may file with the Board of Selectmen within thirty (30) days after date of such order written notice of appeal, setting forth therein reasons of aggrievement. After hearing, the Board of Selectmen may affirm, modify or vacate such order.

4. Marking Required. Upon establishment of a fire zone, the Board of Selectmen shall cause to be erected or installed, adequate signs, marking and other devices to delineate said fire zone.

5. Parking Prohibited. No person shall park, or permit to stand, a motor vehicle in a fire zone which has been established in accordance with this ordinance, except when actually picking up or discharging passengers. Any person violating this ordinance shall be fined not more than one hundred dollars ($100.00). The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

6. Towing Authorized. Any motor vehicle found standing in a fire zone which has been established in accordance with this ordinance may be towed, upon direction of any constable or State Police Officer, to any public or private parking facility, and all expense of such towing and of any subsequent storage shall be borne by the registered owner of such vehicle.

7. Citation: Payment in Lieu of Fine. Whenever a vehicle is found standing in violation of this ordinance, any constable or State Police Officer shall serve upon the owner or operator of such vehicle or place upon such vehicle a notice directing the owner or operator thereof to appear at the Police Department prior to a time specified in said notice. If any person receiving said notice shall appear as directed, and shall pay an amount of five dollars ($5.00) as specified in said notice, such payment shall bar a prosecution for violation of the ordinance.

August 11, 1981 TM Volume 14, page 115

AMENDMENT TO ORDINANCE ENTITLED "ORDINANCE AUTHORIZING PROPERTY TAX EXEMPTION FOR SOLAR ENERGY SYSTEMS"

The ordinance entitled "Ordinance Authorizing Property tax Exemption for Solar Energy Systems" is amended to read as follows:

ORDINANCE AUTHORIZING PROPERTY TAX EXEMPTIONS FOR SOLAR ENERGY SYSTEMS

1. Pursuant to Section 12-81 of the General Statutes, as amended by Public Acts 77-490, 79-479 and 80-406, an exemption from property tax is authorized for the following:

1.1. Any building, the construction of which is commenced on or after October 1, 1976 and before October 1, 1991, which is equipped with a solar energy heating or cooling system.

1.2. Any building to which a solar energy heating or cooling system is added on or after October 1, 1976 and before October 1, 1991. As used in this subsection and in subsection 1.1, "solar energy heating or cooling system" means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the Secretary of the Office of Policy and Management.

1.3. Any solar energy electricity generating system which is installed for the generation of electricity for private residential use, provided such installation occurs on or after October 1, 1977 and before October 1, 1991. As used in this subsection, a "solar energy electricity generating system" means equipment which is designed, operated and installed as a system at any private residential location, which utilizes solar energy to produce electricity for consumption at such location and which meets standards established by regulation by the Secretary of the Office of Policy and Management.

1.4. Any building, the construction of which is commenced on or after April 20, 1977 and before October 1, 1991 which is equipped with a passive or hybrid solar energy heating or cooling system.

1.5. Any building to which a passive or hybrid solar energy heating or cooling system is added on or after April 20, 1977 and before October 1, 1991.

"Hybrid Solar Heating or Cooling System" as used in subsections 1.4 and 1.5 means a system using elements of a passive solar heating or cooling system but incorporating mechanical devices into the operation of the system for purposes of transporting heat to a storage area or living area or to control the operation of the system including control of nocturnal and cold weather heat losses, and which meets standards established by regulation by the Secretary of the Office of Policy and Management.

"Passive Solar Heating or Cooling System" as used in subsections 1.4 and 1.5 means: 1) a system which utilizes the architectural features of a building to maximize solar heat gain during the heating season, minimize heat losses, and provide thermal storage within the building or structures, and during the cooling season minimize heat

gain and provide for natural ventilation, and, 2) a system using a collector wherein natural thermal transfer occurs but which does not include the use of a fan or pump, and which meets standards established by regulation by the Secretary of the Office of Policy and Management.

2. The extent of the exemptions granted by subsections 1.1, 1.2, and 1.3 is the amount by which the assessed valuation of such real property equipped with such a system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, as determined by the Assessor.

3. The extent of the exemptions granted by subsections 1.4 and 1.5 is the amount by which the assessed valuation of such real property equipped with such a system exceeds the valuation at which such real property would be assessed if built using conventional construction techniques in lieu of construction related to such a system, as determined by the Assessor.

4. These exemptions shall only apply to the first fifteen (15) assessment years following construction of said building or the addition or installation of any such system to a building.

5. Application for such exemptions must be filed in accordance with the relevant subsections of Section 12-81 of the General Statutes and within thirty (30) days following the annual assessment date.

August 11, 1981 TM Volume 14, page 140
Amended Feb 10, 2000 See page 232

ORDINANCE ABOLISHING EAST LYME FLOOD AND EROSION CONTROL BOARD AND REDEVELOPMENT AGENCY

1. Pursuant to the authority granted by Section 4.5.4. of the East Lyme Charter:

1.1. The Resolution re: constituting the East Lyme Flood and Erosion Control Board adopted November 30, 1955 is repealed and the Flood and Erosion Control Board is abolished.

1.2. The Resolution creating a Redevelopment Agency adopted May 8, 1963 is repealed and the Redevelopment Agency is abolished.

2. This ordinance shall take effect ten (10) days after publication.

March 15, 1982 TM Volume 14, page 230

ORDINANCE GRANTING ABATEMENT AND DEFERRAL OF PAYMENT OF PROPERTY TAX

1. Pursuant to the authority granted by Public Act 82-1 of the June, 1982 Special Session of the General Assembly, property taxes on real and personal property damaged as a result of the flooding and related occurrences in the period from June 4, 1982 to June 7, 1982, inclusive are abated as provided in this ordinance.

2. Such abatement shall be equal to one-third of the total property tax determined as the same proportionate part of such total tax as the damaged portion of such property bears to the entire property subject to such tax; provided, however, that no abatement shall take effect unless the loss in assessed value resulting from such damage is not less than ten percent of the assessed value of such damaged property.

3. Any construction or reconstruction related to property so damaged with respect to which property taxes have been abated as provided in this ordinance shall be subject to property tax as provided in Section 12-53a of the General Statutes.

4. With respect to any real or personal property damaged as a result of such flooding and related occurrences which qualifies for property tax abatement under Section 2 of this ordinance, payment of the property tax may be deferred without interest until July 1, 1983.

5. Applications for the abatement provided for in Section 1 of this ordinance and for the deferral of payment provided for in Section 4 of this ordinance shall be filed with the Assessor in a form to be determined by the Assessor not later than September 10. The Assessor shall notify the applicants of his decision not later than September 30.

6. Any person claiming to be aggrieved by the actions of the Assessor under this ordinance may appeal to the Board of Tax Review on or before October 8, 1982.

Sept. 3, 1982 TM Volume 14, page 261

MASS GATHERING ORDINANCE

1. In order to preserve the health, welfare and safety of the citizens of the Town of East Lyme by requiring at assemblies adequate water facilities, sanitary facilities, illumination, and other safety precautions so as to minimize the risk of injury or illness to any person and in order to promote the safe, orderly and uninterrupted passage of vehicular and/or pedestrian traffic, a license shall be required before an actual or reasonably anticipated assembly of over two hundred people shall be allowed in the Town of East Lyme.

2. As used in this ordinance, “Persons” means any individual, partnership, corporation, firm, company, association, society or group. “Assembly” means a company of persons gathered together at any location at any single time for any purpose.

3.1 No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of over two hundred people, whether on public or private property, unless a license to hold the assembly has first been issued by the First

Selectman. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

3.2 A separate license shall be required for each assembly and each location in which such people assemble or can reasonably be anticipated to assemble. No license shall be issued for an assembly for more than three (3) days, but the First Selectman may extend the permit if it appears that the requirements of this ordinance have been complied with and that a new permit would be granted if applied for. No extension shall be for more than three days, but more than one extension may be granted.

3.3 A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than that number of people.

4.1 Application for a license to hold such an actual or anticipated assembly shall be made in writing to the First Selectman at least five (5) days in advance of such assembly.

4.2 The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best of the knowledge of the applicant and shall be signed by the individual making application in the case of an individual or by a duly authorized officer or agent in the case of a corporation, partnership, unincorporated association, group or society. Such authorization of the officer or agent shall be in writing.

4.3 The application shall contain and disclose:

4.3.1 The name, evidence of majority, residence and mailing address of all persons required to sign the application by Section 4.2;

4.3.2 The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner or owners of all such property;

4.3.3 Proof of ownership of all property upon which the assembly is to be held and a statement made upon oath or affirmation by the record owner or owners of all such property that the applicant has permission to use such property for such an assembly;

4.3.4 The nature or purpose of the assembly;

4.3.5 The total number of days or hours during which the assembly is to last;

4.3.6 The maximum number of persons which the applicant shall permit to assemble at any time, provided the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided, where the assembly is to continue overnight, the maximum number shall not exceed the maximum number which is allowed to sleep within the boundaries of the location of the assembly by the zoning regulations of the Town;

4.3.7 The maximum number of tickets to be sold, if any;

4.3.8 The plans of the applicant to limit the maximum number of people permitted to assemble;

4.3.9 The plans for supplying potable water meeting all federal and state requirements for purity, including the source, amount available and location of outlets. The potable water shall be sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day;

4.3.10 The plans for supplying toilet and lavatory facilities, including the source, number, location and type. The plans shall provide for separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred (200) females and at least one toilet for every three hundred (300) males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulation.

4.3.11 The plans for holding, collecting and disposing of solid waste material. The plans shall provide for a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day, together with a plan for collecting all such waste at least once each day of the assembly, sufficient personnel to perform the task and sufficient trash cans with tight-fitting lids.

4.3.12 If the assembly is to continue during the hours of darkness, the plans to illuminate the location of the assembly, including the source and amount of power and the location of lamps. The plans shall provide for illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine directly on properties adjacent to the boundaries of the location of the assembly;

4.3.13 The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots. The plans shall provide for a parking area inside of the assembly grounds or offstreet within a reasonable distance from the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

4.3.14 If the assembly is to continue overnight, the plans for camping facilities including facilities available and their location. The plans shall provide for camping facilities, if any, in compliance with all state and local requirements, sufficient to provide camping accommodations for the maximum number of people to be assembled;

4.3.15 The plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability. Such guards shall be either regularly employed, duly sworn, off-duty constables or private guards. The plans shall provide for sufficient guards to provide adequate security for the maximum number of people to be assembled, giving consideration to the nature of the assembly;

4.3.16 The plans for fire protection, including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available. The plans shall provide for sufficient protective devices, fire lanes and escapes to meet all state and local standards for the location of the assembly and for sufficient emergency personnel to operate efficiently the required equipment;

4.3.17 The plans for sound control and sound amplification, if any, including the number, location and power of amplifiers and speakers. The plans shall provide for all reasonably necessary precautions to insure that the sound of the assembly will not carry beyond the boundaries of the location of the assembly;

4.3.18 The plans for food concessions and concessioners who will be allowed to operate the grounds including the names and addresses of all concessioners and their license or permit numbers.

5. The completed application for a license shall be processed within three (3) days of its receipt and shall be issued if there is compliance with all conditions.

6. A license issued under the provisions of this chapter may be revoked by the First Selectman at any time if any of the conditions necessary for the issuing of the license are not complied with, or if any condition previously met ceases to be complied with.

7.1 Any person aggrieved by the denial or revocation of a license under this chapter may appeal to the Board of Selectmen, provided such appeal is taken within fifteen (15) days from such denial or revocation. The Board of Selectmen shall consider and decide such appeal at its next regularly scheduled meeting after filing of the appeal provided that such appeal has been presented to the Board least 48 hours before such regularly scheduled meeting. In the event such appeal has not been filed at least 48 hours before the next regularly scheduled meeting of the Board, such appeal shall be considered and decided at the second regularly scheduled meeting following the filing of said appeal. In no event shall more than sixteen (16) days elapse between the filing of such appeal and the rendering of a decision by the Board. If no regular meeting is scheduled within said 16-day period, the Board of Selectmen shall hold a special meeting within said 16 days to consider and decide such appeal.

7.2 Any person aggrieved by a decision of the Board of Selectmen on any appeal regarding the denial or revocation of a license under this chapter may appeal to the Superior Court provided such appeal is taken within fifteen (15) days from the rendering of a decision by the Board of Selectmen.

8.1 The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

8.2 The holding of an assembly in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such.

8.3 Any person who violates this ordinance shall be fined not less than one hundred dollars ($100.00). Each day of violation shall be considered a separate offense.

9. This ordinance shall not apply to the following assemblies:

9.1 Religious services
9.2 Political meetings and demonstrations
9.3 Funerals
9.4 Weddings
9.5 Assemblies sponsored or authorized by any Town agency;
9.6 Athletic events
9.7 Assemblies conducted within any permanent structure;

9.8 Assemblies required to be licensed by other provisions of the Connecticut General Statutes or town ordinances.

This ordinance will become effective ten (10) days after publication.

Sept. 23, 1982 TM Volume 14, page 286

PEDDLING ORDINANCE

1) Definitions.

(a) The word “person” as used herein shall include the singular and the plural and shall also mean and include any person, firm, or corporation, association, club, co-partnership or society, or any other organization.

(b) The word “peddling” as used herein shall include traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, books, magazines, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or without traveling from place to place, selling or offering the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance on public or private property and further provided that soliciting orders and as a separate transaction making deliveries to purchasers as a part of a scheme or design to evade the provisions of this ordinance shall be deemed peddling subject to the provisions of this ordinance. The word “peddling” shall include the words “hawk” and “vend”. However, the word “peddling” shall not include solicitation of funds by any charitable organization as defined in the ordinance entitled “Ordinance Concerning Solicitation of Charitable Funds”.

2) No person shall peddle within the limits of the following highways or at any house or other building having frontage on such highway:

1.1 That portion of Main Street from the Niantic River Bridge to Black Point Road.

1.2 That portion of Pennsylvania Avenue from Main Street to Roxbury Road.

3) With respect to all other highways, no person except as otherwise authorized by law, shall peddle upon any of the public highways of the Town, or from house to house within the Town, unless he shall have obtained a license pursuant to Section 4 of this ordinance.

4) The First Selectman of the Town is authorized to issue licenses to peddle, upon the payment of the following license fees:

a. for each foot peddler, $10.00 per day;

b. for each organization of or company employing peddlers, at the option of such organization or company in lieu of the license fee established by Section 4a, $40.00 per week;
c. for each peddler, using a team or vehicle, 45.00 per year;

Prior to the issue of any license, the applicant shall file a sworn written application in duplicate with the First Selectman which must contain or be accompanied by the following data:

(1) Name and description of applicant, with permanent home address and local address, if any;

(2) A description of the nature of the business and the goods to be sold;

(3) If employed, name and address of the employer, together with credentials establishing the exact relationship;

(4) The length of time for which the right to do solicitation is desired, not to exceed, in any event, a period of twelve (12) months;

(5) The proposed method of contacting homeowners prior to initiating solicitation;

(6) The place from which ordered goods are to be delivered;

(7) The proposed method of delivery;

(8) A copy of any and all brochures, order and/or contract forms, or other material to be used in connection with the solicitation;

(9) A two-inch square photograph of the applicant taken within sixty (60) days;

(10) The names of at least two property owners of the Town of East Lyme who will certify to the applicant's good character and business responsibility or in lieu of the names of references, such other evidence as to the good characters and business responsibility of the applicant, as will enable verification of such character and business responsibility;

(11) The towns or locations, within or without the State of Connecticut, if any, where the applicant has conducted such solicitation prior to coming to the Town of East Lyme;

(12) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the penalty assessed therefore; and

(13) An agreement to comply with the provisions of this ordinance.

5) Processing: Upon receipt by the First Selectman of the original application, he will have ten (10) days within which to determine whether any reason exists for denial of the requested license. In making such evaluation, the determination of qualification

shall be governed by the following standards (as applied to the applicant's principal or employer, or, if there be more than one applicant, members of that group):

(1) Veracity of statements in the application;
(2) Financial solvency; compliance with disclosure and recission laws;
(3) Prior claims or fraudulent practices, misrepresentations, trespass, breach of the peace, or other unlawful conduct, or intimidating tactics, in the course of making home solicitations; or
(4) Any similar information which indicates that the applicant lacks the moral or business character to be permitted to conduct home solicitations.

Upon conclusion of the evaluation, the applicant shall be endorsed for approval or denial.

6) Use of Streets. No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where peddling might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

7) Any person violating any provisions of this ordinance shall be fined not more than one hundred ($100.00)
dollars and each day of a continuing violation shall be deemed a separate violation.

Sept. 23, 1983 TM Volume 14, page 269

Amendment effective July 1, 2011

ORDINANCE CONCERNING WATER ASSESSMENTS IN BLACK POINT BEACH CLUB ASSOCIATION AREA

WHEREAS, the East Lyme Water and Sewer Commission is considering an extension of the existing town water system to serve the Black Point Beach Club Association area, and

WHEREAS, the Water and Sewer Commission has recommended to the Board of Selectmen certain methods of determining assessments of properties to be served by the town's water system in the event it is extended to the Black Point Beach Club Association area, and

WHEREAS, the Board of Selectmen considers it desirable to establish a method of assessing properties to be served by the town's water system in said area,

NOW THEREFORE, the following shall be the method to be used in determining the assessments of properties to be served by any extension of the town's water system to the Black Point Beach Club Association area:

1. Assessments will be levied on all owners of property abutting the streets within said extension area, provided that each of such properties to be assessed shall have a dwelling or other structure on such property or, if there is no such dwelling or structure on such property, it shall meet the minimal requirements of a building lot under the zoning regulations applicable thereto in effect at the time of the beginning of construction of such extension. The term "owner of property" shall mean each person

having a property interest in the premises as disclosed by the East Lyme Land Records.

2. The Town shall contribute a fair proportion of the total cost of the extension, representing the expense of providing a municipal fire protection system in the extension area, the town's proportionate share to be thirty per cent (30%) of the estimated total cost of the extension.

3. The remaining seventy per cent (70%) of the estimated total cost of the extension shall be financed by assessments levied on the owners of property described in paragraph 1 hereof. Each such assessment shall represent a proportion of the remaining seventy per cent of the estimated total cost of the extension, such proportion to be determined by dividing the remaining seventy per cent of the estimated total cost of the extension by the total number of properties described in paragraph 1 hereof, and shall be calculated in such a way as to ultimately leave the town free of the remaining seventy per cent of the estimated total cost of the extension. Service connections to each such property shall be for one single-family dwelling requiring for adequate service a three-fourths inch (3/4") pipe from the main. Assessments for properties requiring for adequate service a pipe from the main larger than three- fourths inch shall be in an amount which is the total of the assessment for a three-fourths inch pipe plus a charge in accordance with the following schedule:

For each such property requiring for adequate service a one-inch pipe from the main	$ 300.00
For each such property requiring for adequate service a one and one-half inch pipe from the main	$ 600.00
For each such property requiring for adequate service a two-inch pipe from the main	$ 750.00
For each such property requiring for adequate service a four-inch pipe from the main	$1,500.00
For each such property requiring for adequate service a six-inch pipe from the main	$2,500.00
For each such property requiring for adequate service an eight-inch pipe from the main	$3,500.00

The Water and Sewer Commission shall determine the size of pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The assessment for any size pipe other than those specified shall be prorated by the Board of Selectmen. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

4. For purposes of this ordinance, the total cost of the extension shall include materials, installation, pumping stations, service connections (one three-fourths inch pipe per property assessed), curb, sidewalk and highway repairs, the cost of installation of gate valves and shut-offs, if any, the cost of planning, engineering and financing and other expenses incidental thereto.

5. Appeals from the assessments may be made in accordance with the ordinance entitled "Water Assessment Ordinance."

6. Assessments of properties shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the town.

A. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at a rate to be set by the Board of Selectmen in an ordinance regarding said extension to be adopted in the future (said interest rate to approximate as closely as possible the interest rate which the Board of Selectmen anticipates would be paid by the town when borrowing to finance said extension), as follows:

(1) Fifteen percent (15%) of the total amount of the assessment shall be payable within thirty (30) days after a statement for said amount is mailed to the owners of the property assessed by the Water and Sewer Commission. Interest at the rate described above shall commence to run at the expiration of said thirty-day period.

(2) The remaining eighty-five percent (85%) of the total amount of the assessment shall be paid in ten (10) equal installments. Said installments, together with interest at the rate described above, shall be payable annually, commencing one year after the installment described in paragraph 6.A(1) hereof is payable.

(3) Notwithstanding the provisions of paragraphs 6.A(1) and 6.A(2) hereof, the balance of the total amount of the assessment, together with accumulated interest, shall be due and payable upon a conveyance, assignment or other transfer of all or a portion of the property assessed. Transactions exempt from this provision shall be those in which the consideration for the interest being conveyed, assigned or otherwise transferred does not exceed one hundred dollars ($100.00), and those transactions designated as exempt from the imposition of the Connecticut real estate conveyance tax, more particularly described in Section 12-498 of the Connecticut General Statutes.

(4) If any such installment is not paid when due, interest on such unpaid installment shall be at the rate of interest for delinquent real property taxes, notwithstanding the description of the interest rate set forth in paragraph 6.A hereof.

B. Said assessment liens shall not continued to exist for a period longer than one (1) year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme Land

Records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme Land Records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

C. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Section 12-107a to 12-107e, inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations applicable thereto, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the planning commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

D. In addition to the foregoing assessments, there shall be imposed on the owners of property in said extension area:

(1) Where an additional connection to the water main is made for the property previously assessed, an assessment in an amount equal to the assessment described in paragraph 3 hereof.

(2) Where property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set out in paragraph 3 hereof for the larger pipe actually required.

7. The amount of the assessments calculated in accordance with the methods set forth in this ordinance, and the interest rate which such assessments shall bear, shall be set forth in an ordinance concerning extension of the town's water system to the Black Point Beach Club Association area to be adopted by the Board of Selectmen in the future. No provision of this ordinance shall be construed as imposing a lien or other type of encumbrance upon any property in the Black Point Beach Club Association area, the purpose of this ordinance being to provide guidance to the Board of Selectmen in the event it determines to extend the town's water system to said area. No provision of this ordinance shall be construed as a requirement that there be an extension of the town's water system to the Black Point Beach Club Association area.

March 1, 1983 TM Volume 14, page 334

ORDINANCE CONCERNING PROPERTY ON WHICH PROPERTY TAXES ARE PAST DUE

1. No building permit, certificate of occupancy, or permit for excavation in a highway for purposes of installing a driveway shall be issued as to any real property on which there are past due property taxes.

2. This ordinance shall become effective ten (10) days after publication.

August 4, 1983 TM Volume 15, page 2

ORDINANCE CONCERNING PERSONS OWING PAST DUE PROPERTY TAXES

1. The Treasurer, before making payment to any person for services rendered to or materials purchased for the Town shall ascertain from the Tax Collector whether such person owes past due taxes on real or personal property. Any such past due taxes and any interest and fees in respect thereto, shall be deducted from the amount due and owing from the Town to any such person and shall be paid to the Tax Collector and applied to such taxes, interest and fees.

2. The provisions of this ordinance shall not apply to the payment of wages.

August 4, 1983 TM Volume 15, page 2

ORDINANCE CONCERNING COMMISSION ON AGING

1. There is constituted a seven-member Commission on Aging, which shall cooperate with the Connecticut Commission on Aging, the Area Agency on Aging, and other agencies as appropriate in assisting the elderly persons of the Town in those matters which distinctively relate to elderly persons.

2. The Commission on Aging shall:

2.1 Review and analyze the needs and conditions of the elderly persons of the Town in relation to housing, nutrition, employment, health, recreation, social services, transportation, and other matters and problems with the jurisdiction of the Commission.

2.2 Plan, coordinate, develop and implement programs to meet the needs and to improve the conditions of the elderly persons of the Town, upon their own initiative or on the recommendations of the Senior Citizen Administration.

2.3 Through the Senior Citizen Administrator and others, as necessary, provide coordination of such plans and programs among all related services.

3. The terms of the members shall be for four (4) years. Three (3) terms shall expire on the first Monday of January, 1986 and four (4) terms shall expire on the first Monday of January, 1988.

4. The First Selectman shall appoint a Senior Citizen Administrator who shall be the Municipal Agent on Aging for the Town.

4.1 The Senior Citizen Administrator shall serve for a term of two (2) years, to expire on the first Monday of January in even-numbered years.

4.2 The Senior Citizen Administrator shall be under the administrative control of the First Selectman.

5. The Senior Citizen Administrator shall:

5.1 Serve as an ex-officio member of the Commission on Aging.

5.2 Disseminate information to the elderly and assist them in learning about the community resources available to them, and publicize such resources and benefits.

5.3 Assist the elderly in applying for federal and other grants and benefits available to the elderly.

5.4 Make recommendations to the Commission on Aging concerning needs and conditions of the elderly in relation to housing, nutrition, employment, health, recreation, social services, transportation, and other matters of concern to the elderly.

5.5 Make recommendations to the Commission on Aging for plans and implementation of programs to meet the needs and to improve the conditions of the elderly.

5.6 Coordinate and supervise the implementation of Commission-approved plans and programs, including the supervision of the senior citizen bus drivers, office personnel, other related personnel who are under the jurisdiction of the Administrator and volunteers contributing time and resources to such plans and programs.

5.7 Administer grant and benefit programs.

5.8 Work with the Commission to prepare the Commission budget.

5.9 Submit written reports as required, and cooperate with the chairperson of the Commission in writing the Annual Report to be submitted to the Board of Selectmen, summarizing the year's plans, activities and recommendations for the future.

5.10 Develop and coordinate media releases.

5.11 Act as liaison between the Town and the Senior Citizen's Club.

5.12 Develop and implement programs with other agencies related to senior citizens.

5.13 Remain accessible to East Lyme senior citizens.

5.14 Attend meeting and training sessions related to the duties herein described.

6. This ordinance shall become effective ten (10) days after publication.

Dated at East Lyme, Connecticut, this 17th day of April, 1985.

May 15, 1985 TM Volume 15, page 167

ORDINANCE PROVIDING FOR ELECTION OF ALTERNATE MEMBERS OF ZONING COMMISSION

Section 1. Pursuant to Public Act 84-154, there are constituted three alternate members of the Zoning Commission, with the powers and duties set forth in said Act. Such alternate members shall be electors and shall not be members of the Zoning Board of Appeals or Planning Commission.

Section 2. At the Town election in November of 1985, one alternate member of the Zoning Commission shall be elected for a term of two (2) years, and two shall be elected for a term of four (4) years. At the Town election in November of 1987, the term of the alternate member which expires in December of 1987 shall be filled by election for a term of four years. Alternate members of the Zoning Commission shall be elected in accordance with Chapter 2 of the Charter. A vacancy occurring among alternate members shall be filled until the next special election or regular Town election by vote of the members of the Zoning Commission including any alternate members then serving for absent or disqualified commissioners; but if the vacancy is not filled within thirty (30) days from the time that the office becomes vacant, the Board of Selectmen shall fill the vacancy within thirty days thereafter.

Section 3. Within thirty (30) days from the effective date of this ordinance, the Board of Selectmen shall appoint alternate members of the Zoning Commission to serve until the persons elected in accordance with the provisions of this ordinance shall have qualified.

Section 4. This ordinance shall become effective ten (10) days after publication.

April 30, 1985 TM Volume 15, page 170
May 25, 1986 TM Volume 15, page 341 amended
Dec 2, 2004 TM Volume 22, page 461 amended

TOWN OF EAST LYME
NOTICE OF EFFECTIVE DATE OF ORDINANCE

Notice is hereby given of the repeal on June 19, 1985 by the East Lyme Board of Selectmen of the following ordinance:

EROSION AND SEDIMENTATION CONTROL ORDINANCE

This repeal will become effective ten (10) days after publication.
Dated at East Lyme, Connecticut, this 21st day of June, 1985.
July 3, 1985 TM Volume 15, page 194

ORDINANCE CONCERNING THE DISCONTINUANCE OF A PORTION OF LUCE AVENUE

WHEREAS, the East Lyme Board of Selectmen, as the authority charged with the maintenance of highways within the Town, has determined that the public does not make use of the portion of Luce Avenue hereinafter described, and that the public convenience and necessity does not require the Town to maintain said portion of Luce Avenue as a highway; and

WHEREAS, the Planning Commission has approved the discontinuance of the portion of Luce Avenue hereinafter described,

NOW THEREFORE, the portion of Luce Avenue hereinafter described is discontinued as a highway;

That certain tract of land in the Town of East Lyme, County of New London and State of Connecticut bounded and described as follows:

Commencing at a merestone in the northerly line of Luce Avenue at the southeast corner of land now or formerly of Corey and the southwest corner of land formerly of Warren B. Beffe; and thence running N 37 degrees and 3' 15" E 191.03 feet along said Beffe land to a merestone which is 27.31 feet southerly from the northeast corner of said Beffe land; and thence running S 5 degrees 4' 23" W 98.41 feet to a point; and thence running N 72 degrees 0' 35" W 32.72 feet to a point; and thence running S 17 degrees 59' 25" W 18.00 feet to a point; and thence running southwesterly along the arc of a curve having a radius of 60.00 feet a distance of 65.00 feet to a point; and thence running S 52 degrees 29' 47" W 22.51 feet to the merestone at the place of beginning, the last four courses being along the remainder of Luce Avenue.

Dec. 1, 1985 TM Volume 15, page 230

ORDINANCE ESTABLISHING A HARBOR MANAGEMENT COMMISSION

1. There is constituted a seven-member Harbor Management Commission which shall have the powers and duties conferred on such commissions by Chapter 444a of the Connecticut General Statutes, Revision of 1958, as it has been and may be amended from time to time, except to the extent that the Waterford-East Lyme

Shellfish Commission has been granted powers and duties by Section 26-287 of said Statutes.

2. The Commission shall have jurisdiction over the navigable waters, as defined in subsection (b) of Section 15-3a of said Statutes, within the following area of the Town below the mean high water: the area (a) north of a line extending from Hatchett's Point easterly to the southerly end of Black Point and thence easterly to Millstone Point, (b) easterly of the Old Lyme boundary line, and (c) westerly of the Waterford boundary line.

3. The members shall be appointed by the Board of Selectmen, four for terms to expire on the first Monday of January, 1988, and three for terms to expire on the first Monday of January, 1990. Upon the expiration of each of the initial terms, appointment shall be made to fill such terms for four years. Vacancies shall be filled by the Board of Selectmen in accordance with Chapter 4 of the Charter. The Harbor Master shall be a non-voting ex-officio member of the Commission, and if there shall be a vacancy in the office of Harbor Master, the Deputy Harbor Master shall so serve until the vacancy is filled.

This ordinance shall become effective ten (10) days after publication.

June 14, 1986 TM Volume 15, page 363

ORDINANCE CONCERNING NOTICE OF INTENT TO ESTABLISH A TRADE, MANUFACTURE, BUSINESS OR PROFESSION

Pursuant to Connecticut General Statutes Sections 7-194 and 7-148(c)(7)(H)(ii), and in order to facilitate the town's ability to regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is or may be so carried on as to prejudice the public health, or lead to fraud or cheating, or be dangerous to or constitute an unreasonable annoyance to, those living or owning property in the town, and in order to furnish notice to the Zoning Enforcement Officer, Fire Marshal, Tax Assessor and Director of Health of the establishment of new businesses, the following ordinance is hereby enacted:

Section 1. Every person intending to establish any trade, manufacture, business or profession within the town must notify the Zoning Enforcement Officer of such intent not less then ten (10) calendar days prior to commencing operations. Such notification will not be considered given unless and until it is received by the Zoning Enforcement Officer.

Section 2. The notice of intent shall identify the owner of the business, the location of the business premises by street address, the nature of the business, the anticipated hours of its operation, and such other information as may be appropriate to carry out the purpose of this ordinance. The Zoning Enforcement Officer may provide a form for such notice.

Section 3. Failure to give the required notice within the time period stated above shall result in a fine of not more than $99.00.

Section 4. Upon receipt of the required notice the Zoning Enforcement Officer shall give notice of such information to the Fire Marshal, Tax Assessor, Director of Health and, if requested, to any other town official.

Section 5. This ordinance shall not be construed to confer upon the Zoning Enforcement Officer any authority or discretion to deny any person the right to conduct any business, trade, profession or manufacturing operation within the town which is otherwise lawful under federal, state, and local law.

Section 6. The giving of a notice of intent pursuant to this ordinance is for the purpose of notification only and no action or failure to act with respect to the receipt of such notice by the Zoning Enforcement Officer shall be deemed to authorize the establishment or operation of any such business, trade, profession or manufacturing operation within the town in violation of any federal, state or local statute, regulation, ordinance or other law.

Section 7. This ordinance shall take effect thirty (30) days after the date of publication.

Aug. 11, 1986 TM Volume 15, page 380

ORDINANCE RESTRICTING PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

1. No commercially operated or licensed vehicle having a gross weight of 10,000 pounds or more, shall be parked or stored on any public street in a residential zoned area except as follows:

(a) When actively engaged in the conduct of business, i.e. loading, unloading, installation or repair, and directly related to property located in a residential zone.

(b) In connection with any legally existing, nonconforming, non-residential use, located in a residential zone. Any on-street parking of such vehicles shall be restricted to the abutting street frontage related to the non-residential use.

(c) On an occasional basis, not exceeding an average of once a month, when such use is in conjunction with the need for emergency repair response such as by a utility serviceman or mechanical systems repairman, or other incidental use approved in writing by the First Selectman.

2. Each violation of this ordinance shall be subject to a fine of not more than $99.00.

This ordinance shall become effective ten (10) days after publication.

Sept. 24, 1986 TM Volume 16, page 15

ORDINANCE CREATING A TRUST FOR THE BENEFIT OF THE TOWN OF EAST LYME PURSUANT TO PUBLIC ACT 86-1, JUNE 23, 1986 SESSION II, OF THE CONNECTICUT GENERAL ASSEMBLY

WHEREAS, Public Act 86-1, June 23, 1986, Session II of the Connecticut General Assembly (the "Act") provides for a town-improvement program to allocate a portion of the General Fund surplus of the State of Connecticut for the fiscal year ending June 30, 1986, such portion to be used for awarding state grants to towns, and

WHEREAS, pursuant to Section 3 of the Act funds so awarded to a town may be used for the purpose of establishing a trust fund for the benefit of such town, and

WHEREAS, Public Act 86-229, February Regular Session of the Connecticut General Assembly also expressly authorizes municipalities to establish trust funds, and

WHEREAS, the town has been notified by the Secretary of the Office of Policy and Management of the State of Connecticut that funds in the amount of $141,740.00 will be awarded to the town pursuant to the Act,

NOW THEREFORE BE IT RESOLVED THAT:

1. The sum of $141,740.00 which has been awarded as a grant from the State pursuant to the Act is hereby established as a trust fund pursuant to the Act; and the town hereby declares that such amount shall be held in trust for the benefit of the town, the amounts held in such trust fund and the income therefrom to be used in furtherance of such public purposes for the benefit of the town as may be determined by the distribution committee, to be constituted as hereinafter provided.

2. The duly elected and acting treasurer of the town be and hereby is appointed trustee under this resolution and declaration of trust, to hold legal title to the trust funds and is hereby directed to invest such funds in such investments as may be permitted for general funds of the town under the General Statutes, including the short term investment fund established pursuant to the provisions of Section 3-27a of the General Statutes. Amounts in the trust fund from time to time may be commingled with other funds of the town for investment purposes. The trustee shall manage the trust, assuming all custodial responsibilities. The trustee may carry out both his investment and custodial functions by depositing the trust fund in a custodian account with a designated depository, in accordance with Section 7-403 of the General Statutes. The trustee shall render such accountings concerning the trust to the Board of Selectmen as it may request.

3. For the purposes of making distributions from the trust fund, including distribution from the trust corpus, the Board of Selectmen, as it may from time to time be constituted, be and hereby is appointed the distribution committee of the trust. The distribution committee shall have the sole and exclusive power, in its discretion, to direct the distribution of all funds held in trust pursuant hereto for any public purpose for the benefit of the town. The distribution committee may, in the exercise of its discretion, exhaust the trust fund, in which case the trust will terminate. Such distribution committee shall hold its first meeting on or before October 31, 1986. Distributions
from the trust shall be made pursuant to a vote passed at a meeting of the distribution committee and a written direction to the trustee signed by the First Selectman.

April 26, 1987 TM Volume 16, page 17

ORDINANCE AUTHORIZING PROPERTY TAX EXEMPTION FOR PROPERTY LEASED TO TAX-EXEMPT ORGANIZATIONS

Pursuant to subsection 58 of Section 12-81 of the General Statutes, an exemption from property tax is authorized for personal property leased to a charitable, religious or nonprofit organization which is exempt from taxation for federal income tax purposes, provided such property is used exclusively for the purposes of such charitable, religious or nonprofit organization.

Dated at East Lyme, Connecticut this 1st day of October, 1986.

Nov. 7, 1986 TM Volume 16, page 37

WATER SUPPLY EMERGENCY ORDINANCE

1. The Water and Sewer Commission shall monitor the town's available water supplies to insure that a flow of water is provided which will be adequate to (1) meet the health and sanitation requirements of those residents of the town who are supplied by water from the town's water system, (2) provide sufficient fire-fighting capacity, and (3) provide a reserve sufficient to meet the foregoing requirements and meet such emergencies and contingencies as may exist from time to time.

2. If the Water and Sewer Commission determines that the amount of available water supplies is below an amount sufficient to meet the requirements of Section 1 hereof, or that weather and hydrological conditions are such that their continued existence threatens to reduce the amount of available water supplies below an amount sufficient to meet the requirements of Section 1 hereof, it may request the Board of Selectmen to declare a Water Supply Emergency.

3. The Board of Selectmen may, after notice and a public hearing, delare that a Water Supply Emergency exists and may impose any of the water conservation measures and restrictions set out in Section 4 hereof. Such restrictions and measures shall be subject to the exceptions set out in Section 7 hereof. Notice of the public hearing shall be by publication of the request for a Water Supply Emergency and the possible conservation measures and restrictions and the time and place of the hearing in a newspaper having a general circulation in the town at least three (3) days before the date of such hearing.

4. Upon a declaration by the Board of Selectmen that a Water Supply Emergency exists, it may impose the following water conservation restrictions, in such combinations and at such times of the day or year as it deems necessary or desirable, regarding the use of water from the town's water system:

(1) Prohibiting the sprinkling, watering or irrigation of lawns, gardens, plants, vines, vegetables, flowers or any other vegetation.

(2) Prohibiting the washing of motor vehicles, boats or trailers.

(3) Prohibiting the filling or cleaning of swimming and wading pools.

(4) Prohibiting the cleaning of outdoor surfaces of all buildings or structures, sidewalks, driveways and other outdoor surfaces.

(5) Prohibiting the service of water to customers of public restaurants except at the specific request of such customers.

(6) Prohibiting the use of outdoor spigots or faucets or connections for any purpose whatsoever.

(7) Imposing a "drought surcharge" at a flat rate for any water used in excess of amounts specified by the Board of Selectmen.

(8) Requiring a reduction in the amount of water used by all residents and businesses connected to the town's water system, and imposing a "drought surcharge" at a flat rate for any water used in excess of the reduced amount specified by the Board of Selectmen.

(9) Prohibiting the use of water for business and industrial purposes in excess of an amount specified by the Board of Selectmen, except that businesses concerned with public health and welfare and food service or manufacture may, upon approval of the town's Director of Health, continue to use an amount of water necessary to meet the ordinary requirements of such businesses.

(10) Rationing of water by reducing its supply to individual residential or business structures.

5. Notice of the restrictions imposed by the Board of Selectmen shall be published in a newspaper having a general circulation in the town at least three days before the effective date of such restrictions, and may be promulgated by such other means as the Board of Selectmen deems desirable.

NOTE: WATER SUPPLY EMERGENCY ORDINANCE – WATER RESTRICTION – Weekends in July and August – no residential outside water use from Friday midnight to Sunday midnight – no washing cars, boats, house, watering lawns, etc. WAS ENACTED BY THE BOARD OF SELECTMEN ON JUNE 18, 2003.

6. If at any time after the imposing of restrictions the Board of Selectmen deems it necessary to impose restrictions in addition to those previously imposed, it may do so after a public hearing noticed in accordance with the provisions of Section 3 hereof. Any additional restrictions adopted by the Board of Selectmen shall be published in accordance with the provisions of Section 5 hereof and may be promulgated by such other means as the Board of Selectmen deems desirable.

7. (a) The restrictions set forth in Section 4 hereof shall not apply to any use of water necessary to maintain an adequate level of health or sanitation standards, as determined by the town's Director of Health, for any persons using water from the town's system. Any of such persons who consider that the restrictions imposed upon them adversely affect their health or sanitation may make application for a certificate of exemption from the town's Director of Health. The Director of Health, after considering the circumstances of such persons and applying the standards necessary for the preservation of public health, may issue a certificate of exemption from the restrictions

set forth in this ordinance and shall notify the Water and Sewer Commission of any such exemptions.

(b) The restrictions set forth in Section 4 hereof shall not apply to any firefighting or civil defense emergency.

8. Any person who uses water during a Water Supply Emergency from an outdoor faucet or spigot which is not connected to the town's water system may apply to the Water and Sewer Commission for a certificate evidencing such fact and, upon inquiry from any person charged with the enforcement of such ordinance, shall make such certificate available to the enforcement officer.

9. (a) Any person violating any provision of the restrictions imposed by the Board of Selectmen shall be fined not more than ninety-nine dollars ($99.00). In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

(b) If there has been a violation of any provision of the restrictions imposed by the Board of Selectmen by the same person on three separate occasions, the Superintendent of Utilities may, after such notice and hearing as may be required by the Connecticut Department of Public Utilities for termination of service to such person, enforce such restrictions by reducing or discontinuing the supply of water to the residence or business owned or occupied by such person.

10. Upon a determination by the Water and Sewer Commission that the water supplies available to the town's water system are such that a Water Supply Emergency is no longer necessary or may be modified, it shall notify the Board of Selectmen, which shall publish a notice of termination of the Water Supply Emergency or modifications of restrictions imposed, in a newspaper having a substantial circulation within the town, and may promulgate such notice by other means that it deems desirable.

11. This ordinance shall not be construed as prohibiting the taking of any action which may be necessary to ensure the safe and secure operation of the town's water system in the interval between the occurrence of an event giving rise to a Water Supply Emergency and the imposition of any water conservation measures or restrictions by the Board of Selectmen. The Water and Sewer Commission, or its Chairman or the Director of Utilities, shall take such action as may be necessary to ensure the safe and secure operation of the town's water system during such intervals.

12. This ordinance will become effective ten (10) days after publication.

Nov. 8, 1986 TM Volume 16, page 31
See #5 for enactment of Water Restriction by Bd of Selectmen on
June 18, 2003

ORDINANCE ESTABLISHING
EAST LYME SHELLFISH COMMISSION

1. There is constituted the East Lyme Shellfish Commission which shall have charge of all the shellfisheries and shellfish grounds lying in the town not granted to the

Waterford-East Lyme Shellfish Commission by Section 26-287 of the Connecticut General Statutes, Revision of 1958, as amended, and not under the jurisdiction of the commissioner of agriculture, including all rivers, inland waters and flats adjacent to all beaches and waters within the limits and marine bounds of the town.

2. The East Lyme Harbor Management Commission is designated as the East Lyme Shellfish Commission, and shall have all of the authority and responsibility granted to local shellfish commissions by Chapter 492 of the Connecticut General Statutes, Revision of 1958, as amended.

3. All grants and leases of shellfish grounds within the town made prior to the effective date of this ordinance are confirmed.

June 20, 1987 TM Volume 16, page 89

EAST LYME DEPARTMENT OF HEALTH
PERMIT FEE SCHEDULE
REPEALED 5/15/08

1. SEWAGE DISPOSAL SYSTEM PERMITS (includes application, administration and inspection requirements)

   A. Systems up to 1,999 gallon capacity:
      i. New sewage systems $150.00

   B. Systems 2,000 gallon capacity or greater:
      i. New sewage systems $15.00 per 100 gal. capacity or part thereof
      ii. Repair sewage system $200.00

2. ENGINEER PLAN REVIEW FOR SEWAGE DISPOSAL SYSTEMS

   A. Sewage systems less than 2,000 gpd $150.00
   B. Sewage systems 2,000 – 4,999 gpd $350.00
   C. Sewage systems 5,000 gpd or greater $750.00

3. WELL PERMIT ADMINISTRATION

   A. Permit review and collection of up to 2 water samples $ 50.00
   B. Additional water samples, each $ 15.00

4. SEPTIC/WATER SUPPLY REVIEW AND CERTIFICATION $ 35.00

5. GROUP HOME INSPECTION $ 50.00

6. PROPERTY DIVISION/SUBDIVISION SITE TESTING AND PLAN REVIEW

   A. Served by sanitary sewer $100.00 or 25.00 per lot whichever is greater

B. Served by subsurface sewage disposal $150.00 per lot
C. Resubmission of previously received and approved plans
(lots unchanged and no new site testing)

i. Sanitary sewer $100.00
i.i. Subsurface sewage disposal per lot $ 50.00

June 11, 1987 TM Volume 16, page 91
Amended May 20, 1999 TM Volume 21, page 664
Amended Feb 23, 2003 TM Volume 22, page 247

ORDINANCE CONCERNING ESTABLISHMENT OF NIANTIC RIVER GATEWAY COMMISSION

1. As authorized by Public Act 87-512 of the Connecticut General Assembly, and subject to a final determination by the Board of Selectmen, pursuant to Section 4 (b) of said Act as to whether the Town shall be governed by the provisions of said act, the Town of East Lyme hereby acts to establish the Niantic River Gateway Commission.

2. The Niantic River Gateway Commission shall have the authority and responsibility provided for said Commission in said Act.

(AMENDED BELOW)* 3. There shall be eight members of said Commission, four of whom shall be electors of the Town of East Lyme who shall be appointed by the Board of Selectmen. The East Lyme members shall be appointed within sixty days from the effective date of this ordinance. Two East Lyme members shall be appointed for terms to expire on the first Monday of January, 1990, and two shall be appointed for terms to expire on the first Monday of January, 1992. Each of said terms shall be filled upon its expiration for four years. Any vacancy that may from time to time occur among East Lyme members shall be filled by the Board of Selectmen.

4. The Town of East Lyme reserves the right to vote not to be governed by the provisions of said Act in accordance with Section 7 of this Act.

5. This ordinance shall become effective ten (10) days after publication of the notice of effective date.

Oct. 21, 1987 TM Volume 16, page 123

AMENDMENT TO NIANTIC RIVER GATEWAY COMMISSION ORD

3. There shall be six members of said Commission, three of whom shall be electors of the Town of East Lyme who shall be appointed by the Board of Selectmen. The East Lyme members shall be appointed within sixty days from the date that the East Lyme First Selectman receives notice from the Waterford First Selectman that the Town of Waterford has adopted an ordinance establising the Commission. The East Lyme members shall be appoointed for terms to expire on the first Monday in January of the next even-numbered year following their appointment. Upon the expiration of said terms, one member shall be appointed for a term of two years, and two members shall be appointed for terms of four years. Thereafter, each of said terms shall be filled upon its expiration for four years. Any vacancy that may from time to time occur among East Lyme members shall be filled by the Board of Selectmen.

Effective: January 22, 2001 TM Vol 22, page 60

ORDINANCE EXEMPTING CERTAIN MUNICIPAL PROPERTY FROM ZONING REGULATIONS

Pursuant to Section 8-2 of the Connecticut General Statutes, Revision of 1958 as amended, property of the Town of East Lyme now or hereafter used for the town water system or the town sewer system is exempt from regulation by the East Lyme Zoning Regulations. This exemption shall not be applicable to any building to be constructed for purposes of administrative offices, garage, or maintenance facility for either system.

Ordinance which had become effective June 20, 1987 is rescinded.

April 21, 1991 TM Volume 18, page 108

MANDATORY WATER CONSERVATION

Pursuant to the provisions of the Water Supply Emergency Ordinance, the East Lyme Board of Selectmen at a Special Meeting on July 13, 1999, authorized the First Selectman to impose the following water conservation restrictions effective immediately:

1. Prohibit the sprinkling, watering or irrigation of lawns.
2. Prohibit the washing of motor vehicles, boats or trailers.
3. Prohibit the cleaning of outdoor surfaces of all buildings or structures, sidewalks, driveways and other outdoor surfaces.

Any person violating any provision of the restrictions imposed by the Board of Selectmen shall be fined not more than ninety-nine dollars ($99.00). In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. These restrictions are effective upon publication and will remain in effect through October 1, 1999.

Effective July 16, 1999 TM Volume 21, page 668

ORDINANCE CONCERNING VARIOUS WATER CHARGES

1. The East Lyme Water and Sewer Commission may impose the following charges upon the owner or owners of property which is served with water by the Commission; annual private hydrant charge; annual private sprinkler charge; meter deposit; frozen meter repair or replacement fee; fee for installation and disconnection of meters for seasonal residences; meter test fees; fee for inspection of inground water service pipelines being installed in subdivisions; charge for labor provided to owner at owners request for corrections or repairs that are owner's responsibility; charge for sale of materials held in stock by water department.

2. The meter deposit described in paragraph 1 shall be due and payable on or before the date that the Commission provides water service to the owner or owners of property requesting such service. All other charges described in Paragraph 1 shall be due and payable when the property owner is billed by the Commission.

3. The amount of such charges shall be established and from time to time revised by the East Lyme Water and Sewer Commission, and shall reasonably reflect the costs incurred by the Commission in providing such services and materials. The Commission shall establish and revise such charges in accordance with the provisions of Section 7-239 of the Connecticut General Statutes, as amended from time to time.

4. From the time that any fee or charge described in this ordinance becomes due and payable, it shall bear interest at the rate of twelve (12%) percent per annum until paid, unless paid within thirty (30) days from the date it becomes due and payable. Any such fee or charge shall, at the time it becomes due and payable, become a lien upon the property. Any such lien shall be liable to be foreclosed in the same manner provided by law, for the foreclosure of tax liens.

5. Any such lien shall not continue to exist for a period longer than one year after any such fee or charge becomes due and payable, unless within that period a certificate signed by the First Selectman or his designee describing the premises upon which the lien exists, the reason on account of which it is claimed, and the amount claimed by the Town as a lien shall be filed in the East Lyme Land Records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme Land Records. Such liens shall be discharged by the First Selectman or his designee upon payment of such unpaid charges, interest (as set forth in paragraph 4 hereof), and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

The effective date of this ordinance shall be ten days after publication of notice of its adoption.

June 23, 1979 TM Volume 13, page 213

ORDINANCE ESTABLISHING SCHEDULE OF FEES FOR INLAND WETLANDS AGENCY, PLANNING AND ZONING COMMISSIONS

Pursuant to the authority granted by Section 8-1C of the General Statutes, Revision of 1958, the following schedule of fees recommended by the respective Commissions is established.

1. Inland Wetlands Agency:

.1 Application Fee **

1.1.1 Residential Uses..... .... $150.00Plus*$50.00/LOT
Plus Fee from Schedule A

1.1.2 Commercial Uses $400.00
Plus Fee from Schedule A

1.1.3 All Other Uses.. .... $200.00
Plus Fee from Schedule A

*Each lot with regulated activities

**$30 fee required by C.G.S 22a-27j will be added to the base fees.

1.2 Approval by Duly Authorized Agent ** $100.00
1.3 Appeal of Duly Authorized Agent Decision $300.00
1.4 Significant Activity Fee $300.00

1.5 Public Hearing Fee
1.5.1 Single Residential $200.00
1.5.2 Commercial/Industrial/Multi-Family $450.00

1.6 Complex Application Fee Actual Cost

The Inland Wetlands Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts, to advise, analyze, review, and report on issues requiring such experts. The Agency or the duly authorized agent shall estimate the complex application fee, which shall be paid pursuant to section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the agency's decision.

1.7 Permitted and Nonregulated Uses :
1.7.1 Permitted Uses as of Right $0.00
1.7.2 Nonregulated $0.00

1.8 Regulation Amendment Petitions $500.00
(Does not include Notices or Regulation Advisories from DEP)
1.8.1 Map Amendment Petitions $500.00
Plus Fee from Schedule B

1.9 Modification of Previous Approval: $100.00

1.10 Renewal of Previous Approval $100.00

1.11 Monitoring Compliance Fee $100.00

1.12 SCHEDULE A. For the purpose of calculating the permit application fee, the area in schedule A is the total area of wetlands and watercourses and the upland review area upon which a regulated activity is proposed.

SQUARE FEET of AREA
1.12.1. Less than 1,000 $0.00
1.12.2. 1,000 to 5,000 $250.00
1.12.3. More than 5,000
$750.00

1.13 SCHEDULE B. For the purpose of calculating the map amendment petition fee, linear feet in schedule B is the total length of wetlands and watercourses boundary subject to the proposed boundary change.

LINEAR FEET
1.13.1. Less than 500 $0.00
1.13.2 500 to 1,000 $250.00
1.13.3 More than 1,000 $750.00

2. Planning Commission:

2.1 Subdivision Application Review. For subdivisions and re-subdivisions, the following fees shall be paid at the time of application to the Planning Commission:

2.1.1	Fee Per Lot	$ 100.00
2.1.2	Base Fee	$ 750.00
2.1.3	Public Hearing fee, if applicable	$1250.00
2.1.4	Road/Utility Design Review Fee $1.00/LF of new road	
2.1.5	Professional/Legal Consultations	actual cost

2.1.6 The application fee shall include such additional fees that are required by Connecticut General Statutes Section 22a-27j, as it may be amended from time to time.

2.2 Subdivision Application Processing and Inspection. Upon approval of a subdivision/re-subdivision by the Planning Commission, the following fees shall be paid prior to Chair's signing the approved subdivision plan:

2.2.1	Per Lot Fee		$ 100.00
2.2.2	Base Fee		$ 100.00
2.2.3	Road/Utility Document Review Fee		$ 500.00
2.2.4	Inspection Fee $2.00/LF of new road		
2.2.5	Erosion Control Fee	per lot	$ 50.00

2.3	Coastal Area Management Review Application	$ 10.00/lot $ 25.00 min
2.4	Application for Subdivision Modification	$ 200.00

3. Zoning Commission

3.1	Zone Change (including map change)	$ 400.00
3.2	Zoning Regulation Change	$ 300.00
3.3	Special Permit	$ 150.00
3.3.1	Special Permit Patio Permit (renewal)	$ 20.00
3.3.2	Special Permit (multi-family, commercial, industrial, top-soil, sand & gravel, plus Storm Water Review fee and Site Plan Review fee	$ 500.00
3.4	Storm Water Review	$ 300.00
3.5	Commercial Site Plan	$ 300.00
3.6	Coastal Area Management Site Plan (new single family dwelling & additions)	$ 200.00
3.6.1	Coastal Area Management Site Plan (commercial, industrial, multi-family)	$ 300.00
3.7	Zoning Permit (new single family dwellings, including new individual units of multi-family dwellings)	$ 300.00
3.7.1	Zoning Permit (multi-family dwellings each unit)	$ 300.00
3.7.2	Zoning Permit (single family alterations)	$ 75.00
3.7.3	Zoning Permit Single Family Dwelling additions, under 1000 sq. feet Dwelling additions, over 1000 sq. feet	 $100.00 $ 200.00
3.7.4	Zoning Permit Pools	$ 50.00
3.7.5	Zoning Permit Accessory Structure Under 150 sq. feet Over 150 sq. feet	 $ 20.00 $ 50.00
3.7.8	Zoning Permit New Commercial/Institutional Buildings,	

	plus Site Plan Review fee and Storm Water Review fee	
	up to 25,000 sq. feet	$ 500.00
	Over 25,000 sq. feet, plus $10.00 per sq. foot gross floor area	$2000.00
3.7.9	Zoning Permit (commercial/industrial/institutional alterations	
	Under 1500 sq. feet	$ 100.00
	Over 1500 sq. feet	$ 200.00
3.7.10	Zoning Permit (commercial/industrial/institutional additions), plus Site Plan Review fee and Storm Water Review fee	
	Under 1500 sq. feet	$ 100.00
	Over 1500 sq. feet	$ 300.00
3.8	New Business Registration	
	Home Occupation	$ 25.00
	Commercial/Industrial	$ 50.00
3.9	Zoning Status Opinion (mortgage)	$ 50.00
3.10	Lot Split	$ 200.00

3.11 The application fees shall include such additional fees that are required by Connecticut General Statute Section 22a-27i, as it may be amended from time to time. The current fee is $30.00.

4. Zoning Board of Appeals

Application fee payable to Zoning Board of Appeals	$ 350.00

5. Fees shall be payable at the time an application is submitted, except as otherwise provided.

June 4, 1988	TM Volume 16, page 213
March 30, 1989	TM Volume 16, page 353 amended
Jan. 18, 1995	TM Volume 21, page 6 Amended
December 17, 1998	TM Volume 21, page 626 Amended
November 9, 2001	TM Volume 22, page 113 Amended
February 23, 2003	TM Volume 22, page 247
February 10, 2004	TM Volume 22, page 345 Amended fees
November 17, 2004	TM Volume 22, page 455 Amended
May 16, 2007	TM Volume 22, page 674 Amended
June 19, 2008	TM Volume 22, page 789 Amended

Section 4 effective July 1, 2011

ORDINANCE SETTING NUMBER OF JUSTICES OF THE PEACE

1. Pursuant to Section 9-183a of the General Statutes, Revision of 1958, as amended, the number of justices of the peace to be elected at the regular election in November, 1988 and each four years thereafter shall be one hundred one (101).

2. This ordinance shall become effective ten days after publication of the notice of effective date.

See PA 94-230 which supersedes this ordinance.

July 25, 1988 TM Volume 16, page 226D

ORDINANCE CONCERNING POSTING AND DISPLAYING NUMBERS ON BUILDINGS

1. The purpose of this ordinance is to promote public safety and convenience, and enhance the new E-9-1-1 telephone system by providing a rational street numbering system by which addresses may be identified with the ease and speed which is essential to the quick response of emergency services, including police, fire fighting and medical care.

2. The Assessor shall assign a street identification number to every residential, commercial, industrial or other structure located on premises abutting a public street within the Town except accessory structures such as barns, garages or outbuildings which are located on the same premises as the numbered structure.

3. Every owner or occupant of a structure to which a number has been assigned shall, within one hundred twenty days of the effective date of this ordinance or the date of assignment of a street identification number, whichever date is earlier, prominently display the street number of such structure, by placing said number in the manner herein provided.

4. The numerals used to indicate the street identification number of structures shall be located on the exterior front of the building or on a signpost, mailbox, or other device located between the building and street.

5. Such numerals shall be a minimum of 4 inches high and be of a color contrasting with the background material to which they are affixed. The location and size of such numerals shall be sufficient to assure their visibility from the street.

6. For buildings containing more than three dwelling units which have entrances from interior passageways, numerals shall be affixed within five feet of every door by which the building may be entered.

7. No Certificate of Occupancy for a new structure shall be issued until compliance with this ordinance is completed.

8. The compliance officer for enforcement of this ordinance shall be the Building Official.

9. Whoever shall violate any of the provisions of this ordinance or refuses or neglects to comply with the same, shall be deemed guilty of an infraction and shall be fined $10.00 for each offense, and each and every ten-day period of refusal or neglect to comply with the provisions of this section shall be deemed a separate offense.

10. This ordinance shall become effective ten days after publication of the notice of effective date.

April 16, 1988 TM Volume 16, page 196

SEWER USE AND SEWAGE DISPOSAL ORDINANCE

SECTION 1. General

1.1 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(1) Town: The word "Town" or any other word in common usage designating a legally constituted unit of local government, shall mean the Town of East Lyme Connecticut.

(2) Commission shall mean the Water and Sewer Commission of the Town of East Lyme, Connecticut.

(3) Director of Health shall mean the director duly appointed by the Town of East Lyme, Connecticut, in accordance with Connecticut General Statutes, Section 19a-200 et seq. or his authorized deputy, agent or representative.

(4) Person shall mean any individual, firm, company, association, society, corporation or group or other entity.

(5) Town Meeting shall mean the Town Meeting of the Town of East Lyme, Connecticut.

(6) Director or Sewer Director shall mean the person appointed by the commission as an administrative officer who shall at all times be responsible to and subject to the commission and subject to removal for cause. The commission may also appoint a deputy director who in the director's absence shall have the same powers and duties as the director.

(7) Act or The Act is The Federal Water Pollution Control Act, also known as The Clean Water Act, as amended, 33 USC 1251, et seq.

(8) BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

(9) Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(10) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

(11) Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(12) Industrial waste shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary waste water.

(13) Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a water-course, pond, ditch, lake or other body of surface or ground water.

(14) Owner shall mean titleholder or titleholders of real property.

(15) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(16) Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

(17) Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(18) Sanitary sewer shall mean a sewer which carries waste water and to which storm, surface and ground waters are not intentionally admitted.

(19) Sewage or waste water shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(20) Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(21) Sewer shall mean a pipe or conduit for carrying sewage.

(22) Shall is mandatory; may permissive.

(23) Slug shall mean any discharge of water, waste water or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period or duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration or flows during normal operation.

(24) Storm drain (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes waste water and industrial wastes, other than unpolluted cooling water.

(25) Suspended solids shall mean solids that either float on the surface of, or are in suspension in, water, waste water or other liquids, and which are removable by laboratory filtering.

(26) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(27) Waste water treatment plant shall mean any arrangement of devises and structures used for treating waste water.

(28) Abbreviations:

ANSI shall mean American National Standards Institute;

ASTM shall mean American Society for Testing and Materials;

AWWA shall mean American Water Works Association;

CS shall mean Commercial Standard;
ppm shall mean parts per million;
mg/1 shall mean milligrams per liter.

Reference to standards of the above organization shall refer to the latest edition of same.

(29) Approval by director or commission will be in writing unless otherwise stated in this ordinance.

(30) Department of Environmental Protection shall mean the State of Connecticut Environmental Protection Agency; abbreviated DEP.

(31) DEP Commissioner means the Commissioner of Environmental Protection for the State of Connecticut.

1.2 Establishment of Charges

(a) All sewer permit, inspection and connection charges, as well as sewage disposal charges, shall be established by the Commission.

(b) The Chairman of the Water and Sewer Commission is hereby designated a collector of any and all charges lawfully established, now or in the future, with respect to the rent, use of, or connection to the town system.

(c) Any charge not timely paid within thirty (30) days of its due date, shall be delinquent and subject to interest, penalties and liens provided for in Connecticut General Statutes Section 7-258, as amended.

1.3 Tampering with sewerage works.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to prosecution pursuant to law.

1.4 Right of entry for purposes of inspection, testing, etc.

(a) The Director, his Deputy and any other duly authorized employee of the Water and Sewer Commission, hereinafter severally or collectively referred to as Director as used in this article, bearing proper credentials and identification, shall be

permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Director shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) The Director, his Deputy and other duly authorized employees of the commission, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(c) While performing the necessary work in private properties above, the Director or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the municipal employees and the municipality shall indemnify the user against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required in this section.

1.5 Appeals; review by water and sewer commission.

The Commission shall hear and determine appeals from any person presented with a notice of violation in accordance with the provisions of this ordinance. Any person requesting an appeal must notify the Commission in writing of his desire to appeal prior to the expiration of the time limit for compliance stated in the notice of violation.

1.6 Variances.

It shall be the function of the Commission in its sound discretion to vary or modify the application of any of the provisions of this ordinance when strict enforcement would result in practical difficulties or unnecessary hardship, and when such situations are not caused by or contributed to by such applicant.

SECTION 2. USE OF PUBLIC SEWERS REQUIRED

2.1 Disposition of objectionable waste in unsanitary manner prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any area under the jurisdiction of the town, any human or animal excrement or other objectionable waste in an unsanitary manner as indicated in the Public Health Code of the State of Connecticut.

2.2 Treatment required prior to discharge to natural outlet.

It shall be unlawful to discharge to any natural outlet within the Town of East Lyme, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with

subsequent provisions of this article or with the provisions of the Public Health Code of the State of Connecticut.

2.3 Connection to public sewer; private disposal systems.

(a) [Responsibility of owner to provide sanitary facilities and connect upon availability of public sewer. The owners of all houses, buildings or other structures used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or where construction has been funded for public sewers in the Town, are hereby required at their expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within one hundred twenty (120) days after being ordered to do so by the Commission. This Section is subject to the public hearing and appeal rights provided for in Connecticut General Statutes, Section 7-257 et seq.

(b) [Utilization of existing disposal system.] An existing subsurface disposal system may only be utilized in lieu of the public sanitary sewer when, in the sole discretion of the Commission, unique circumstances exist to justify such utilization, provided that the existing system has been approved in writing by both the Commission and the Director of Health, which approval shall be given only after said Director's inspection of the subject system, and a finding is made that the same satisfies prevailing public health, sanitation and safety standards. Unique circumstances to allow utilization of an existing system shall be excessive distance from property line to structure, extensive presence of ledge, or other geographical or topographical conditions such as wetlands or grade changes which make sewer connection extremely impractical. Should the system fail at any time after said approval, a connection to the sewer system must be made within one hundred twenty (120) days after being ordered to do so by the Commission, subject to the public hearing and appeal rights provided for in Connecticut General Statutes, Section 7-257 et seq.

(c) [Connection to sewers installed wholly or partly at the expense of a party other than the Town of East Lyme.] When a public sanitary sewer has been constructed and installed wholly or partly at the expense of a party other than the Town of East Lyme, the owner of houses, buildings, or other structures used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right of way in which said public sanitary sewer is located may connect said houses, building or structures to the sewer upon their request and at their expense. Before the public sanitary sewer is installed, the owners of such houses, buildings or structures shall be notified of their opportunity to connect to the sewer and that their existing subsurface disposal systems will be inspected by the Director of Health. An existing subsurface disposal system may be utilized for such houses, buildings, structures, provided that the existing system has been approved in writing by the Director of Health, which approval shall be given only after inspection of the system and a finding that it satisfies prevailing public health, sanitation and safety standards. Should such existing system not be approved by the Director of Health, or should the system fail at at any time after said approval, or should a change in use of the premises require an expansion or improvement of an existing subsurface disposal system, a connection to the sewer system must be made within one hundred twenty (120) days after being ordered to do so by the Commission, subject to the public hearing and appeal rights provided for in Connecticut General Statutes, Section 7-257 et seq. Any houses, buildings or structures constructed during or after the installation of any such public sanitary sewer system shall be connected directly with the sewer in accordance with the provisions of this ordinance, within one hundred twenty (120) days after being ordered to do so by the Commission.

(d) [Abandonment of private disposal system.] At such time as a public sewer becomes available to the property served by a private sewage disposal system, and when a direct connection is made to the public sewer in compliance with this section within the specified period, any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt.

2.4 New construction requiring sewer building construction permit.

No person shall be allowed to construct any building which is accessible under section 2.3 unless he first obtains a written sewer building construction permit from the Commission for direct connection to a public sewer.

SECTION 3. BUILDING SEWERS AND CONNECTIONS

3.1 Separate building sewer required; exceptions.

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. In this case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where there exists a group of buildings belonging to one commercial, multifamily complex, industrial or municipal complex, separate individual buildings sewers may be connected to a single sewer line designed in accordance with section 3.3 and a single connection made to the public sewer system provided that it is approved by the Water and Sewer Commission.

3.2 Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Director, to meet all requirements of this Section.

3.3 Size, slope, alignment and materials of building sewer construction.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the latest requirements of the Connecticut State Building Code, the Public Health Code of the State of Connecticut, or the applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. Any deviation from the prescribed procedures and materials must be approved by the Commission before installation.

3.4 Laying of building sewer in relation to water line.

No building sewer shall be laid parallel to or within three (3) feet of any bearing wall. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignments insofar as possible. The changes in direction shall be made only with curved pipe and fittings which have been approved by the Commission. Whenever sewer lines, the building drain or building sewer must cross water mains or private water lines, the sewer shall be laid at such an

elevation that the top of the sewer is at least eighteen (18) inches below the bottom of the water line.

3.5 Laying of building sewer in relation to wells.

No building sewer shall be constructed within twenty five (25) feet of a water supply well. If a building sewer is constructed between twenty five (25) and seventy five (75) feet of a water well supply, it shall be constructed in accordance with all applicable guidelines promulgated by the DEP Commissioner.

3.6 Elevation requirements for building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor to permit gravity flow to the public sewer. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged through a pressurized pipe to the building sewer, and suitable check and backwater valves shall be installed. Such means of lifting the sewage shall be provided and maintained by the Town and be installed and operated at the owner's expense.

3.7 Excavations for building sewer installation.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. All excavations located on public property shall receive prior approval by the Planning and Zoning Commissions in accordance with their regulations. Streets, sidewalks, parkways and other public property shall be restored equal to or better than its original condition prior to construction. All excavations for the installation of a building sewer shall be open trenchwork unless otherwise approved by the Commission. Pipe laying and backfill shall be performed in accordance with ASTM Specification (C12). The contractor shall obtain a permit pursuant to section 3.9 and shall give notice of the date of commencement of work more than twenty four (24) hours before work begins.

3.8 Classes of permits; application.

There shall be three (3) classes of sewage connection permits; Class A for the installation of private sewer disposal facilities; Class B for multifamily residential and commercial building sewers; and Class C for service to establishments producing industrial wastes. In all cases, the owner or his agent shall make application on a special form furnished by the Commission. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commission.

3.9 Permit required for connection

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Commission unless he represents the Commission in performing maintenance, repair or extension of the system. The fee for said permit shall be set pursuant to section 1.2.

3.10 Licensed plumber to perform work; exception.

(a) All work shall be performed by a licensed plumber (P-1, P-3) licensed under Connecticut General Statutes Section 20-330 et seq. or as indicated in

subsection (b) below. The system shall be subject to inspection and approval by the Director when the laying of a building sewer is completed and before filling of the trench.

(b) Should an owner of a single-family residence have a Class A installation performed by a Subsurface Sewage Disposal System Installer licensed under Connecticut General Statutes, Section 20-341a et seq, the system shall be further subject to inspection and approval by the Town Building Inspector when laying of a building sewer is completed and before filling of the trench.

(c) The filling of a trench before inspection is complete shall subject the owner to whom a permit is issued to a penalty of one hundred dollars ($100.00) for each offense and the owner may be required to reopen the trench for inspection.

3.11 Prohibited connections.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer or combined sanitary and storm sewer.

3.12 Inspection by director.

The applicant for the sewer connection permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. All connections to public sewers will be inspected by the Director or his Deputy.

3.13 Responsibility of owner for cost of installation or connection.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

3.14 Disused building sewer lines to be sealed.

When a building is taken down and there is no other building using the sewer line, it shall be sealed at the old wall with concrete so that no dirt from the cellar fill will wash into the sewer.

3.15 Revocation of permit.

Permits to connect to the public sewer may be revoked or annulled by the Commission for such cause and at such times as the Commission may deem sufficient and the Town is hereby held harmless as a consequence of said revocation or the cause thereof. All other parties in interest shall be held to have waived the right to claim damages from the Town or its Agents on account of said revocation.

SECTION 4. REGULATION OF DISCHARGES TO PUBLIC SEWERS

4.1 Prohibited discharges.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer. The steam cleaning of

automotive or other mechanical equipment over manhole covers is prohibited as well as the depositing of wastes from such operation into the sewer system.

4.2 Limitations on discharges of unusual strength or character; criteria for consideration.

No person shall discharge or cause to be discharged the following described substances, materials, waters or other wastes which can harm either the sewers, waste water treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. The acceptability of these wastes will be based on consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the waste water treatment process, capacity of the waste water treatment plan, degree of treatability of wastes in the waste water treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any petroleum distillates or other flammable or explosive liquid, solid or gas.

(b) Any water or wastes containing toxic pollutants, malodorous or poisonous solids, liquids or gases, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste water treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the waste water treatment plant, or of preventing entry into sewers for their maintenance and repair. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(c) Any water or waste, acid and alkaline in reaction, having a pH lower than five and five-tenths (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works. The upper limit of pH for any industrial wastewater discharge shall be established under the dischargers State Discharge permit. Free acids and alkalies must be neutralized, at all times, within the above Ph range.

(d) Solid or viscous substance in quantities or of such size capable of causing obstruction of the flow in sewers, or other interference with the proper operation of the sewerage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, chemical residues, cannery waste, bulk solid, cardboard, styrofoam, beer or distillery slops, lime residues, lime slurry, paint residues, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, whey, etc., either whole or ground by garbage grinders. In no case shall a substance discharged cause the facilities to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of The Act, or under the Resource Conservation and Recovery Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

(e) Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the waste water treatment plant.

(f) Any stormwater, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.

(g) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees centigrade).

(h) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of fifty (50) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees centigrade).

(i) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.75 horsepower metric) or greater shall be subject to the review and approval of the Director.

(j) Any water or waste containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(k) Any water or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or waste exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the waste water treatment works exceeds the limits established by the Commission and by the state regulatory agencies for such materials.

(l) Any water or waste containing phenols or other taste or odor producing substances, in such concentrations, exceeding limits which may be established by the Commission as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(m) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the applicable state or federal regulations.

(n) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the waste water treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(o) Unusual quantities of wastes or substances which the treatment plant cannot treat to the minimal level recommended by the state or federal regulatory agencies.

(p) All discharge of waste water shall also conform with the agreements established between the City of New London, the Town of Waterford, and the Town of East Lyme.

(q) Sewage with a concentration of pollutants in excess of the following limits:

Pollutant	Concentration Parts/million(mg/1)
Arsenic as As	0.05
Barium as Ba	5.0
Boron as Bo	5.0
Cyanides as Cn (amendable)	0.1
Fluoride as F	20
Chromium (total)	1.0
Chromium (Cr + 6)	0.05
Magnesium as Mg	100
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.1
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01
Nickel	1.0

4.3 Alternative methods for handling restricted discharges.

If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4.2 and which may have a deleterious effect upon the sewage works, process equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may:

(a) Reject the waste

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges.

4.4 Restricted discharges subject to review by Commission; preliminary treatment.

(a) The admission into public sewers of any water or waste:

(1) Having a five-day biochemical oxygen demand greater than two hundred forty (240) parts per million by weight; or

(2) Containing more than two hundred forty (240) parts per million; or

(3) Containing more than fifteen (15) parts per million of chlorine demand; or

(4) Containing any quantity of substances having the characteristics above the previously described limits; or

(5) Having an average daily flow greater than two (2) per cent of the average daily sewage flow of the town;

shall be subject to the review and approval of the Commission.

(b) Where necessary, the owner shall provide at his own expense, such preliminary treatment as may be necessary to:

(1) Reduce the biochemical oxygen demand to two hundred forty (240) parts per million and the suspended solids to two hundred forty (240) parts per million by weight; or

(2) Reduce the chlorine demand to fifteen (15) parts per million; or

(3) Reduce objectionable characteristics or constituents to within the maximum limits provided for in section 4.2; or

(4) Control the quantities and rate of discharge of such water or waste.

Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted to the commission for approval and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4.5 Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall be of a type and capacity approved by the commission and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Proper operation must be assured by proper maintenance.

4.6 Maintenance of preliminary treatment and flow-equalizing facilities.

Where preliminary treatment of flow-equalizing facilities (including but not limited to grease, oil and sand interceptors) are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. These facilities shall be readily accessible and open to inspection by the Director at any time.

4.7 Control manholes

When required by the Commission, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Commission. The manhole shall be installed

by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

4.8 Authority of commission to require certain information from user.

The Commission may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

(a) Waste water discharge peak rate and volume over a specific time period.

(b) Chemical analyses of waste water.

(c) Information on raw materials, processes and products affecting waste water volume and quality.

(d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(e) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.

(f) Details of waste water pretreatment facilities.

(g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

4.9 Standards for measurement, tests and analyses.

All measurement, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste-water," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Samplings shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solid analyses are obtained from a 24-hour composites of all outfalls whereas pH's are determined from periodic samples. Samples will be made by the Commission or its authorized representative and any fee for such services is the sole responsibility of the owner.

4.10 Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Commission and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Commission for treatment, subject to payment therefor by the industrial concern.

4.11 State requirements of public sewer connections

(a) State permits required. In accordance with Section 25-54i of the Connecticut General Statutes as amended, a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

(1) Industrial wastewater of any quantity.

(2) Domestic sewage in excess of five thousand (5,000) gallons per day through any individual building sewer to a public sewer.

A potential discharger must submit a permit application to the Department of Environmental Protection not later than ninety (90) days prior to the anticipated date of initiation of the proposed discharge.

(b) Protection from accidental discharges. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's cost and expense as required by the Commission. The Commission may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

SECTION 5. SEWER EXTENSIONS

5.1 Compliance with state and town requirements; Commission approval of plans required.

All extensions to the sanitary sewer system owned or to be owned and maintained by the Town shall be properly designed in accordance with the "Recommended Standards for Sewage Works," as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers (Ten State Standards) and in strict conformance with all requirements of the State of Connecticut and the Town of East Lyme and other appropriate town agencies. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from, the Commission before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area; the drainage area being that area which can be easily sewered by gravity.

5.2 Construction of sewer extensions and building sewers by Town; assessment of costs.

Sewer extensions, including individual building sewers from the public sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Commission, the number of properties to be serviced by such extension warrants its costs. Under this arrangement the property owner shall pay for and install the building sewer from the property line to his residence or place of business in accordance with the requirements of Section 3.1 et seq. Property owners may propose sewer extensions to the Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Commission. The cost of such extensions may be assessed to the benefitted property owners.

5.3 Construction by property owner, builder or developer; responsibility for costs; compliance with section.

If the Commission does not elect to construct a sewer extension under public contract, the property owner, builder or developer must construct the necessary sewer

extension, including lateral connections from the sewer main to the property line of each property served by any such extension and lateral connections to the street line of any public street or way intersecting with the street or way in which any such extension is constructed or installed, if such extensions are approved by the Commission, in accordance with the requirements of section 5.1. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as required by this article and the inspection fees as required by the Commission shall be paid. Design of sewers shall be as spectified in section 5.4. The installation of the sewer extension must be subject to inspection by the Director and the expenses for these inspections shall be paid for by the owner, builder or developer. The Director's decision shall be final in matters of quality and methods of construction. The sewer as constructed must pass the exfiltration and infiltration test required in section 5.5 before it is to be used. The cost of sewer extensions thus made shall be absorbed by the developers or the property owners, including all building sewers.

5.4 To be designed by registered engineer.

All designs for sewer extensions shall be accomplished by an engineer who is registered and authorized to practice in the field of sanitary engineering in the State of Connecticut. The designs and plans prepared by such engineer shall be reviewed by the Commission. No construction shall be undertaken until approval of the plan is obtained from the Commission and other agencies as required by the Town and the proper permits are issued.

5.5 Extensions to be tested prior to acceptance by Commission.

Upon completion of construction of any sewer extension, but before final acceptance by the Commission, the sewer system shall be tested for infiltration and exfiltration of both sewer lines and the manholes by approved means and under the direction and inspection of an engineer registered and authorized to practice in the field of sanitary engineering in the State of Connecticut with the presence of the Director. When the sewers have passed tests to demonstrate that they meet the best standards of American workmanship, then the engineer shall certify in writing to the Commission as to the nature of the tests and results thereof, and the fact that the tests meet acceptable standards.

SECTION 6. PENALTIES

6.1 Any person found to be in violation of any provisions of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

6.2 Any person who continues any violation beyond the time limit provided for in section 6.1, shall be fined in the amount not exceeding one hundred dollars ($100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

6.3 Any person who is found to be in violation of any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation

6.4 Any person who is found to be in violation of Section 25-54i of the Connecticut General Statutes as amended shall be subject to a monetary penalty or forfeiture under Section 25-54q of the statutes.

SECTION 7. VALIDITY

7.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

7.2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 8. ORDINANCE IN FORCE

8.1 This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

March 17, 1991	TM Volume 18, page 63
Amended Sept. 12, 1998	TM Volume 21, page 584

SEWER ASSESSMENTS

At the March 26, 1991 Water and Sewer Commission meeting a Motion was passed to amend Rule 4.h of the Proposed Sewer Assessment as follows:

"Rule 2.h.4. - Lot - A separate parcel of land shown on the East Lyme Assessor maps. Provided, however, any lot which was so shown on the Grand List of October 1, 1990, which lot was a valid non-conforming lot under any validly adopted Zoning Regulation may be combined with any adjoining non-conforming lot prior to May 15, 1991. Any lots which when so joined produce a single lot which may not thereafter be separated under the applicable Zoning Regulation shall be treated as a single lot for purposes of this Assessment Resolution."

Dated at East Lyme, this 13th day of April, 1991.

East Lyme Water & Sewer Commission
David L. Cini, Chairman

ORDINANCE CONCERNING THE REMOVAL OF ANIMAL FECES FROM TOWN PROPERTY

1. Any person, whose dog or other domesticated animal defecates on Town-owned property or a public highway within the Town, shall dispose of the animal feces left by that animal in a proper receptacle.

2. Any person who walks or otherwise brings a dog or other domesticated animal onto Town-owned property or onto a public highway within the Town, must be prepared to dispose of said animal's feces by whatever means necessary, which may include carrying plastic bags, a pooper scooper or other necessary tools to remove said waste.

3. Anyone who shall violate this ordinance shall be fined the sum of not more than $50.00 for each violation.

4. The provision of this section shall not apply to a guide dog accompanying any blind person.

5. The ordinance entitled “Ordinance Concerning the Removal of Animal Feces from Town Parks” which became effective on December 1, 1991 is repealed.

6. This ordinance shall take effect ten days after publication.

Effective October 5, 1995 TM Vol 21, page 99

SANITARY SEWER BENEFIT RESOLUTION

RESOLUTION relative to assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme, Connecticut; establishing the due date of said assessments; providing for installment payments of assessments and interest thereon;

WHEREAS, the Water and Sewer Commission, the Water Pollution Control Authority, the statutory municipal authority existing under the laws of the State of Connecticut and within and for the Town of East Lyme, has heretofore, approved and directed the work of making public improvements by construction of Phase I through Phase IV public sanitary sewers, consisting of pumping stations and approximately 48.5 miles of force main, gravity interceptor and lateral sewer lines. Said improvements being more specifically designated on plans prepared for the Town of East Lyme by Consulting Environmental Engineers, Inc.’s plans and specifications - Contracts 1 through 14.

The public sanitary sewer project was divided into fourteen contracts which were supervised by Consulting Environmental Engineers, Inc.

Said plans being the same filed with the Town Clerk and the Water and Sewer Commission of the Town of East Lyme.

WHEREAS, the Connecticut General Statutes, provides in part that at any time after a municipality, by its Water Pollution Control Authority, has authorized the acquisition or construction of a sewerage system, or portion thereof, the Water Pollution Control Authority may apportion and assess the whole or any portion of the cost thereof upon the lands and buildings in the municipality, which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings according to said Connecticut General Statutes and such rules as the Water Pollution Control Authority adopts.

1. NOW THEREFORE, BE IT RESOLVED by the Water and Sewer Commission of the Town of East Lyme, as follows:

a. Areas within which sewer assessments are due for Phase I through Phase IV public sanitary sewers include all properties abutting or actually making use of the public sanitary sewer system.

b.1. By and large, the Phase I sewer contract package covers, with the exception of a few sections, all roads and properties on Route 156 between East Pattagansett Road and Waterford, Haigh and Katherine Streets, Lake Street from Main Street to Hope Street, Hope Street from Lake Street to East Pattagansett Road.

b.2. By and large, the Phase II sewer contract package covers, with the exception of a few sections, Route 156 from Rocky Neck Corporate

Park to East Pattagansett Road, Atwood Drive and North Bride Brook Road from Atwood Drive to 128 North Bride Brook Road.

b.3. By and large, the Phase III sewer contract package covers, with the exception of a few sections, Columbus Avenue, Champlin Hill Court, Crescent Beach area, Attawan Beach area, Old Black Point Road from Woodland to Wildwood Avenue, the Black Point area north of Bond Street, East Pattagansett Road from Brook Road to Route 161, Herster Court and Route 161 from East Pattagansett Road to the Flanders Four Corners area.

b.4. By and large, Phase IV sewer contract package covers, with the exception of a few sections, Giant's Neck Beach area and Giant's Neck Heights area.

2. That the following general rules are heredy adopted:

The Town of East Lyme Water and Sewer Commission, in accordance with the General Statutes of the State of Connecticut has established general rules of assessment for said assessment areas.

The Town of East Lyme Water and Sewer Commission has considered area [30% of total allocation], frontage [40% of total allocation], and grand list valuation [30% of total allocation], zoning classification and actual use in allocating a total assessment of $27,603,955.00 among the benefited properties as shown on Assessor's records of the Town of East Lyme on the Grand List of October 1, 1990. The Commission has allocated those benefits into two categories as follows:

Commercial/Industrial (Including Specified Town Properties and Residentially zoned multi-family dwellings) - $6,001,930.83.

Residential Portion (Including commercially zoned single family residence and all residential use condominiums) - $21,602,024.17.

Following the allocation as set forth immediately above, consideration has been given to area, frontage, grand list valuation, property use and potential use, classification and other relevant factors concerning the benefited properties as called for in the Connecticut General Statutes.

a. Frontage, Land Valuation, Acreage and Unit Charge. The frontage, land valuation, acreage and unit charge method shall be adopted as the basis of apportioning the total collectible sewerage collection system costs between the total assessable frontage, the total assessable land valuation, the total collectible assessable acreage, and the total assessable units in each particular category.

b. Determination of Frontage Rates.
The frontage rate shall be obtained by dividing the total assessable frontage in each particular category into twenty-one (21%) percent of the total collectible sewerage system costs to be collected from that category.

c. Determination of Land Valuation Rate. The land valuation rate shall be obtained by dividing the total assessable land valuation in each particular category into twenty-one (21%) percent of the total collectible sewerage system costs to be collected from that category. Total assessable land valuation shall be determined as shown on the assessor's records of the Town of East Lyme on the Grand List of October 1, 1990.

d. Determination of Acreage Rate. The actual acreage rate shall be determined by dividing the total assessable acreage in each particular category into twenty-one (21%) percent of the total collectible sewerage system costs to be collected from that category.

e. Determination of Unit Charge. The unit charge shall be obtained by dividing the total number of units in each particular category into thirty-seven (37%) percent of the total collectible sewerage system costs to be collected from that category.

f. Application of Frontage, Land Valuation, Acreage Rates and Unit Charge Rates. The frontage, land valuation, acreage and unit charge rates, when applied to the assessable frontage, assessable land valuation, assessable acreage and assessable unit of each benefited property in a particular category, shall determine the total sewer assessment upon each benefited property benefited by this project in a particular category.

g. Determination of Frontage, Land Valuation, Acreage and Unit Charge in Particular Situations. The rules for determining frontage, land valuation and acreage in the following particular situations shall be as follows:

Rule g.1 Straight frontage lots. All street lots within a block shall be measured only on the side fronting the sewer.

Rule g.2 Corner lots. All corner lots shall be measured at half the sum of all sides fronting the sewer if more than one side fronts the sewer.

Rule g.3 Lots on outside corner.If a corner is already divided among two or more lots, said lots shall not be considered corner lots.

Rule g.4 Lots facing cul-de-sac.Lots which have half or more than half of their actual front footage on the curved section of a cul-de-sac shall have the front footage calculated as the chord length of the curved section, plus the actual length of any straight line front footage. If less than half of the actual front footage is curved, the assessed front footage shall be the actual front footage.

Rule g.5 Through lots. All lots which run from one side of a block to another, thus fronting on two sewered streets, shall be measured at half the sum of the sides fronting the sewer provided that in any event no more than four hundred (400) feet shall be assessed in a residential zone and any excess footage in a residential zone shall be deferred.

Rule g.6 Residential lots with more than four hundred (400) feet sewered frontage. Lots zoned for residential use which have more than four hundred (400) feet of sewered frontage shall be assessed on the basis of four hundred (400) feet and the assessment of the remaining frontage shall be deferred.

Rule g.7 Residential lots which exceed four acres.

In the case of lots zoned for residential use which have area exceeding four acres, the non-deferrable assessment will be on four acres. The remaining assessment will be deferred. In determining the valuation of the four acres, the valuation of the acreage of the house lot or any special use of the acreage normally carried on the assessor's card will be assessed. After taking that figure there will be added to it an amount determined by dividing the remaining assessed valuation by the remaining acreage and multiplying by the difference between the four non-deferrable acres and the house lot or special acreage referred to above.

Rule g.8 Through lots of more than four acres on a sewered street with a structure on a non-sewered street. When a structure is located on a parcel of land zoned for residential use, and said parcel of land exceeds four acres, and said structure is located on a non-sewered street, but said parcel also extends to a sewered street, in determining the land valuation of the said four acres one acre will be assessed on the sewered street at the street price with a twenty-five percent (25%) depreciation for a vacant lot. The value of the normal one-acre residential lot will be assessed and non-deferrable. The value of the remaining one (1) acre of non-deferrable land will be determined by dividing the remaining assessed valuation by the remaining acreage. Any assessment in excess of the amount determined as hereinabove provided shall be deferred.

Rule g.9 Physical use of residential zoned land.
In all cases where physical use of property in residential zones exceeds four acres and/or four hundred (400) feet frontage on a sewer line, the actual physical use will be used for non-deferrable assessment. The remainder will be deferred.

Rule g.10 Sewer crossings.
Where a public sewer crosses a lot, frontage shall be measured as the effective property distance crossed. Both street sewer frontage and crossing frontage shall be assessed. However, if a property has both street sewered frontage and crossing frontage, the crossing frontage will be deferred. Crossings on back and/or side yards shall be exempt if zoning regulations would not permit the lot to be divided into additional building lots.

Rule g.11 Utility easements and electrical transmission lines.
Any lot, totally subject to a utility easement for electrical transmission lines so as not to be capable of other beneficial use, shall not be assessed.

Rule g.12 Utility owned land.
Where utility companies own land in a residential zone in excess of four acres and the physical use of the land may exceed four acres because it is occupied by power lines and/or other structures which would prohibit further development and/or improvement, only four acres will be non-deferrable. The remainder will be deferred. Where utility companies own land in a residential zone with frontage in excess of four hundred (400) feet and the physical use of frontage on the sewer line exceeds four hundred (400) feet because of power lines and/or other structures as set forth herein, only four hundred (400) feet of frontage will be non-deferrable. The remainder will be deferred.

Rule g.13 Wasteland.

Any single lot too narrow to build on shall be exempt from assessment. Regardless of the zone, land assessed as waste land by the assessor shall be exempt.

Rule g.14 Property in one parcel located in different zones.

Whenever one portion of a parcel of property is located in a residential zone and another portion of said parcel is located in a zone other than a residential zone, the property shall be treated for purposes of determining entitlement to deferred assessments as if it were two parcels with only so much of the property as is located in the residential zone being entitled to be considered for deferments.

Rule g.15 Partially sewered frontage.

In those cases in which property is serviced by a sewer line but the sewered frontage does not coincide with the entire frontage, the front footage assessed will be based on the entire front footage fronting on the sewered street.

Rule g.16 No actual sewered frontage.

In the case of a property which will be connected to the sewer but has no actual sewered frontage, no frontage will be assessed.

Rule g.17 Residentially zoned acreage valued at same rate.

In the case of property zoned for residential use where no residential or special use acreage is assessed, and all acreage is assessed at the same rate, the valuation of four non-deferrable acres will be computed by dividing the total assessed valuation by the total acreage and multiplying by four. The remainder will be deferred.

Rule g.18 Lots abutting sewered street by right of way only.

In the case of any lot which abuts a sewered street by right of way only, frontage shall be determined by measuring the width of the right of way.

Rule g.19 Sloping lots.

Whenever a negative slope from the existing street sewer line makes a gravity connection to an existing detached single family dwelling impossible, the Town will provide suitable ejectors and no further credit will be allowed.

Rule g.20 Public or quasi public properties.

All property otherwise assessable shall be assessed under the rules hereinbefore and hereinafter provided for private properties notwithstanding their public or quasi public nature with the sole exceptions: sewage pumping stations, sewage treatment plants, cemeteries, property owned in fee simple by the State of Connecticut or the United States of America or any other property exempted by State or Federal, Public or Private Act from assessment.

Rule g.21 Paper streets.

In the case of a right of way or paper street leading nowhere and serving no acreage in common ownership with the right of way or paper street, no assessment will be made of the paper street.

Rule g.22 Property classified as farm land, forest land or open space pursuant to the Connecticut General Statutes.

Any property which on the effective date of this Resolution is properly classified as farm land, forest land or open space, pursuant to the

Connecticut General Statutes, which property is not otherwise zoned residential, shall be treated as if it were zoned residential for purposes of determining an entitlement to a deferred assessment by reason of excess acreage, excess frontage or excess valuation. Said treatment shall continue for so long as the property continues to be so classified.

Rule g.23 Land abutting sewer line in unimproved and unaccepted street.

Any land abutting a sewer line which line was constructed by the Town in a street shown on an approved subdivison map shall be subject to assessment in accordance with the foregoing rules not withstanding the fact that the street has neither been built nor accepted.

Rule g.24 Railroad owned land.
Where land owned by a railroad company is used solely as a road bed or rail right of way such property will not be assessed.

Rule g.25 Beaches.
Where land owned by a beach association is used solely for beach purposes and contains no structures, such beach will not be assessed.

h. Determination of Units.

In determination and application of the unit charge the following definition shall apply:

Rule h.1 Unit.
A separate lot located in a residential zone and which lot is vacant or contains not more than one dwelling.

Rule h.2 Dwelling.
A building, or part thereof, containing complete housekeeping facilities for one family.

Rule h.3 Family.
One or more persons who live together.

Rule h.4 Lot.
A separate parcel of land shown on the East Lyme Assessor maps. Provided, however, any lot which was shown on the Grand List of October 1, 1990, may be combined with any adjoining lot (by recording of duly executed deed clearly manifesting merger into one parcel) prior to the order to connect being issued for either lot. Said combined lot shall be treated as a single lot for purposes of this assessment.

Rule h.5 Future Lot.

Any lot created after the date of this resolution shall be assessed in accordance with the terms of this resolution. However, any property in a commercial/special use zone which is divided after the date of this resolution shall not be reassessed except in accordance with Paragraph 2n., contained herein.

i. Calculation of Units.

In calculating units the following additional rules shall apply:

Rule i.1 Residential Zone:

i. Vacant Lot - 1 unit

ii. Lot with single dwelling - 1 unit

iii. Lot with multiple dwelling – 1 unit plus 1 Unit per dwelling for every dwelling after the first dwelling

Rule i.2 Commercial/Special Use Zone:

i. Vacant Lot - 3 units

ii. Lot with commercial structures - 3 units

iii. Lot with or without commercial structures and dwelling or dwellings - 3 units plus an additional unit for each dwelling

iv. Lot with hotel or motel - 3 units plus 1 additional unit for each three guest rooms.

Rule i.3 Industrial Zone:

i. Vacant Lot - 5 units

ii. Lot with industrial structures - 5 units

iii. Lot with or without industrial structures and dwelling or dwellings - 5 units plus an additional unit for each such dwelling

iv. Lot with hotel or motel - 5 units plus 1 additional unit for each three guest rooms.

j. Determination of Flat Rate:

The total assessments ($21,602,024.17) determined by paragraph 2.f, for those properties zoned residential, except properties used as multi-family use (three (3) or more family units), or used as a residential single family use regardless of zone, either of which do not exceed 4 acres and/or 400 feet of sewered frontage, and all condominium units regardless of zone, shall be divided by a sum equal to the total number of such properties plus 75% of the total number of units located on such condominium and two-family properties, and the sum so determined shall be the “Flat Rate”.

k. Application of “Flat Rate”:

l. The Flat Rate shall be the actual assessment charged to each property described in paragraph 2.j above, except that those properties containing two (2) dwelling units shall receive an assessment equal to the number of units thereon multiplied by 75% of the “Flat Rate”. 75% of the “flat rate” per unit shall also be the actual assessment charged to each condominium unit regardless of the zone in which such condominium is located. Multi-family use properties (three (3) or more dwelling units) shall be assessed by commercial formula regardless of zone.

l. Definitions.

In determination and application of the “Flat Rate” under 2.j and 2.k above the following definitions shall apply.

1. Dwelling Unit.
A building, or part thereof, containing complete housekeeping facilities for one family.
2. Family.
One or more persons who live together and maintain a common household.

m. Common Interest Declaration.

When any structure subject to assessment under any provision of this Resolution is declared subject to the Connecticut Common Interest Ownership Act, each unit of such structure shall be assessed individually at 75% of the “Flat Rate” as of the date of the Declaration or the effective date of this Resolution, whichever is later.

n. Later Expansion.

Whenever any structure is constructed or expanded after the effective date of the assessment resolution, such structure shall be assessed according to the terms of this Resolution as if such structure had existed on the effective date of this Resolution, provided that the amount of any deferred assessment levied against the same land, or that portion of any deferred assessment levied against the same land which is the site of a subsequent structure shall be credited against any assessment due. The owner, builder or developer shall pay for the entire installation if a sewer extension is necessary to service the property, including all expenses incidental thereto in accordance with Section 5 of the Sewer Use and Sewage Disposal Ordinance. There shall be no credit against the benefit assessment for these costs.

o. Deferred Assessments.

Deferred assessment shall be deferred until such excess land shall be built upon or a building permit issued therefore, or until approval of a subdivision plan of such excess property by the planning commission having jurisdiction, whichever event occurs first, at which time assessment shall be made as provided herein. Provided further that the total deferred benefit to be assessed against lots used for single family residences shall not exceed the flat rate established herein times the number of such single family lots established. No lien securing payment shall be filed until property is assessed.

3. That the cost to be assessed for the above-described public sanitary sewer collection system is determined to be $27,603,955.00.

4. That there is hereby assessed upon and against the lands and upon the owner thereof of each property, affected by the foregoing public improvement which said Water and Sewer Commission of the Town of East Lyme has found to be especially benefited by said public improvement, the benefit assessments shown after the name of the affected property owner and in the amount due column, being the

amount of the owner's due proportion of the portion of the public improvement as assessed in accordance with the decision of the Water and Sewer Commission.

The Compilations are listed by street and number according to names of owners; indicating the front footage, the land valuation, the acreage, the number of units, and the total due assessment, as applicable.

FOR A COMPLETE LISTING, SEE TOWN MEETING VOLUME VOL. 18, PAGES 229-284.

5. That the assessment set forth in Paragraph four (4) above shall be due and payable at such time as determined by resolution of the East Lyme Water and Sewer Commission, unless installment payments are made in accordance with Paragraph six (6) below.

6. That the installment payment of any assessment shall be made in 25 substantially equal annual installments, the first payment to be due and payable at such time as determined by resolution of the East Lyme Water and Sewer Commission, each subsequent payment of an installment to be due and payable on or before the anniversary date in consecutive years, and the final payment shall be due and payable not later than the twenty-fourth anniversary of the first annual payment date set by the East Lyme Water and Sewer Commission, made payable to the order of the Treasurer of said Town. Notice of installment payment will be recorded on the Land Records as provided in the General Statutes.

a. Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum, together with all accrued interest, shall become due and payable.

7. That interest at the rate of five percent (5%) per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in Paragraph six (6) above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof. Property owners may pay the entire assessment in full at such time as determined by resolution of the East Lyme Water and Sewer Commission without incurring any interest charges.

8. That any assessment of benefit or any installment thereof, not paid within Thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner provided by the General Statutes for delinquent property taxes.

9. That each addition of interest shall be collectible as part of such assessment.

10. That whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in Paragraph eight (8) above or Five ($5.00) Dollars, whichever is greater.

11. Any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens. Each such lien shall take

precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property taxes.

Be it further resolved, that the work of the construction of said public improvements, as described hereinbefore, shall now be deemed duly and legally authorized, and all assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. The Chairman of the Water and Sewer Authority shall cause a notice to be published listing properties against which benefits have been assessed, with the amount to be paid by each such owner and a notice of the date when assessments are due and payable in accordance with Chapter 103 of the Connecticut General Statutes as amended. Said Chairman shall also cause to be mailed, postage pre-paid, a copy of the assessment of benefits addressed to the owner of each property affected thereby at such owner's address as shown in the last completed grand list of the municipality or at any later address of which the Water Pollution Control Authority may have knowledge.

ADOPTED AUGUST 27, 1991
WATER & SEWER COMMISSION
AMENDED MARCH 24, 1992
WATER & SEWER COMMISSION
AMENDED 4/27/93
WATER & SEWER COMMISSION

SANITARY SEWER BENEFIT RESOLUTION FOR SEWER MAIN EXTENSION NO. 1

RESOLUTION relative to an assessment of benefits for Extension No. 1 of the public sanitary sewerage system installed in the Town of East Lyme, Connecticut; establishing the due date of said assessments; providing for installment payments of assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission, the duly established and existing Water Pollution Control Authority within and for the Town of East Lyme, exercising its statutory authority under the laws of the State of Connecticut, has heretofore approved and directed the work of making public improvements by construction of Extension No. 1 of the Town's public sanitary sewerage system, said improvements being more particularly described in plans and specifications prepared for the Town of East Lyme by Weston & Sampson Engineers, Inc. of Glastonbury, Connecticut entitled "Colton Road Water and Sewer Extension", said plans and specifications being on file with the East Lyme Water and Sewer Commission; and

WHEREAS, the Connecticut General Statutes provide in part that at any time after a municipality by its Water Pollution Control Authority has authorized the acquisition or construction of a sewerage system, or portion thereof, the Water Pollution Control Authority may apportion and assess the whole or any portion of the cost thereof upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings according to said Connecticut General Statutes and such rules as the Water Pollution Control Authority adopts;

NOW, THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission, as follows:

1. That areas within which sewer assessments are due for the Extension No. 1 of the Town's public sanitary sewers include all properties abutting or actually making use of the public sanitary sewer system. By and large, the Extension No. 1 contract covers all properties on West Main Street (Connecticut Route 156) between the intersection of Liberty Way and West Main Street and the westerly boundary line of property now or formerly owned by Leisure Sports, Inc., and all properties on Capitol Drive and Colton Road in the Town of East Lyme.

2. That the following general rules are hereby adopted:

The East Lyme Water and Sewer Commission, in accordance with the General Statutes of the State of Connecticut has established general rules of assessment for said assessment areas.

The East Lyme Water and Sewer Commission has considered area [30% of total allocation], frontage [40% of total allocation, and grand list valuation (30% of total allocation], zoning classification and actual use in allocating a total assessment of $610,000.00 among the benefited properties as shown on Assessor's records of the Town of East Lyme on the Grand List of October 1, 2000. The Commission has allocated those benefits into two categories as follows:

Commercial/Industrial Portion (including specified town properties and residentially zoned multi-family dwellings) $590,806

Residential Portion (including commercially zoned single family residences and all residential use condominiums) $19,194

Following the allocation as set forth immediately above, consideration has been given to area, frontage, grand list valuation, property use and potential use, classification and other relevant factors concerning the benefited properties as called for in the Connecticut General Statutes.

a. Frontage, Land Valuation, Acreage and Unit Charge. The frontage, land valuation, acreage and unit charge method shall be adopted as the basis of apportioning the total collectible sewerage collection system costs between the toal assessable frontage, the total assessable land valuation, the total collectible assessable acreage, and the total assessable units in each particular category.

b. Determination of Frontage Rates. The frontage rate shall be obtained by dividing the total assessable frontage in each particular category into twenty-one (21%) percent of the total collectible sewerage system costs to be collected from that category.

c. Determination of Land Valuation Rate. The land valuation rate shall be obtained by dividing the total assessable land valuation in each particular category into twenty-one (21%) of the total collectible sewerage system costs to be collected from that category. Total assessable land valuation shall be determined as shown on the assessor's records of the Town of East Lyme on the Grand List of October 1, 2000.

d. Determination of Acreage Rate. The actual acreage rate shall be determined by dividing the total assessable acreage in each particular

category into twenty-one (21%) percent of the total collectible sewerage system costs to be collected from that category.

e. Determination of Unit Charge. The unit charge shall be obtained by dividing the total number of units in each particular category into thirty-seven (37%) percent of the total collectible sewerage system costs to be collected from that category.

f. Application of Frontage, Land Valuation, Acreage Rates and Unit Charge Rates. The frontage, land valuation, acreage and unit charge rates, when applied to the assessable frontage, assessable land valuation, assessable acreage and assessable unit of each benefited property in a particular category, shall determine the total sewer assessment upon each benefited property benefited by this project in a particular category.

g. Determination of Frontage, Land Valuation, Acreage and Unit Charge in Particular Situations. The rules for determing frontage, land valuation and acreage in the following particular situations shall be as follows:

Rule g.1 Straight frontage lots. All street lots within a block shall be measured only on the side fronting the sewer.

Rule g.2 Corner lots. All corner lots shall be measured at half the sum of all sides fronting the sewer if more than one side fronts the sewer.

Rule g.3 Lots on outside corner. If a corner is already divided among two or more lots, said lots shall not be considered corner lots.

Rule g.4 Lots facing cul-de-sac. Lots which have half or more than half of their actual front footage on the curved section of a cul-de-sac shall have the front footage calculated as the chord length of the curved section, plus the actual length of any straight-line front footage. If less than half of the actual front footage is curved, the assessed front footage shall be the actual front footage.

Rule g.5 Through lots. All lots which run from one side of a block to another, thus fronting on two sewered streets, shall be measured at half the sum of the sides fronting the sewer, provided that in any event no more than four hundred (400) feet shall be assessed in a residential zone and any excess footage in a residential zone shall be deferred.

Rule g.6 Residential lots with more than four hundred (400) feet sewered frontage. Lots zoned for residential use which have more than four hundred (400) feet of sewered frontage shall be assessed on the basis of four hundred (400) feet and the assessment of the remaining frontage shall be deferred.

Rule g.7 Residential lots which exceed four acres. In the case of lots zoned for residential use which have area exceeding four acres, the non-deferrable assessment will be on four acres. The remaining assessment will be deferred. In determining the valuation of the four acres, the valuation of the acreage of the house lot or any special use of the acreage normally carried on the assessor's card will be assessed. After taking that figure there will be added to it an amount determined by dividing the remaining assessed valuation by the remaining acreage and multiplying by the difference between the four non-deferrable acres and the house lot or special acreage referred to above.

Rule g.8 Through lots of more than four acres on a sewered street with a structure on a non-sewered street. When a structure is located on a parcel of land zoned for residential use, and said parcel of land exceeds four acres, and said structure is located on a non-sewered street, but said parcel also extends to a sewered street, in determining the land valuation of the said four acres one acre will be assessed on the sewered street at the street price with a twenty-five percent (25%) depreciation for a vacant lot. The value of the normal one-acre residential lot will be assessed and non-deferrable. The value of the remaining one (1) acre of non-deferrable land will be determined by dividing the remaining assessed valuation by the remaining acreage. Any assessment in excess of the amount determined as hereinabove provided shall be deferred.

Rule g.9 Physical use of residential zoned land. In all cases where physical use of property in residential zones exceeds four acres and/or four hundred (400) feet frontage on a sewer line, the actual physical use will be used for non-deferrable assessment. The remainder will be deferred.

Rule g.10 Sewer crossings. Where a public sewer crosses a lot, frontage shall be measured as the effective property distance crossed. Both street sewer frontage and crossing frontage shall be assessed. However, if a property has both street sewered frontage and crossing frontage, the crossing frontage will be deferred. Crossings on back and/or side yards shall be exempt if zoning regulations would not permit the lot be be divided into additional building lots.

Rule g.11 Utility easements and electrical transmission lines. Any lot, totally subject to a utility easement for electrical transmission lines so as not to be capable of other beneficial use, shall not be assessed.

Rule g.12 Utility owned land. Where utility companies own land in a residential zone in excess of four acres and the physical use of the land may exceed four acres because it is occupied by power lines and/or other structures which would prohibit further development and/or improvement, only four acres will be non-deferrable. The remainder will be deferred. Where utility companies own land in a residential zone with frontage in excess of four hundred (400) feet and the physical use of frontage on the sewer line exceeds four hundred (400) feet because of power lines and/or other structures as set forth herein, only four hundred (400) feet of frontage will be non-deferrable. The remainder will be deferred.

Rule g.13 Wasteland. Any single lot too narrow to build on shall be exempt from assessment. Regardless of the zone, land assessed as wasteland by the assessor shall be exempt.

Rule g.14 Property in one parcel located in different zones. Whenever one portion of a parcel of property is located in a residential zone and another portion of said parcel is located in a zone other than a residential zone, the property shall be treated for purposes of determining entitlement to deferred assessments as if it were two parcels with only so much of the property as is located in the residential zone being entitled to be considered for deferments.

Rule g.15 Partially sewered frontage. In those cases in which property is serviced by a sewer line but the sewered frontage does not coincide with the entire frontage, the front footage assessed will be based on the entire front footage fronting on the sewered street.

Rule g.16 No actual sewered frontage. In the case of a property which will be connected to the sewer but has no actual sewered frontage, no frontage will be assessed.

Rule g.17 Residentially zoned acreage valued at same rate. In the case of property zoned for residential use where no residential or special use acreage is assessed, and all acreage is assessed at the same rate, the valuation of four non-deferrable acres wil be computed by dividing the total assessed valuation by the total acreage and multiplying by four. The remainder will be deferred.

Rule g.18 Lots abutting sewered street by right of way only. In the case of any lot which abuts a sewered street by right of way only, frontage shall be determined by measuring the width of the right of way.

Rule g.19 Sloping lots. Whenever a negative slope from the existing street sewer line makes a gravity connection to an existing detached single family dwelling impossible, the Town will provide suitable ejectors and no further credit will be allowed.

Rule g.20 Public or quasi public properties. All property otherwise assessable shall be assessed under the rules hereinbefore and hereinafter provided for private properites notwithstanding their public or quasi public nature with the sole exceptions: sewage pumping stations, sewage treatment plants, cemeteries, property owned in fee simple by the State of Connecticut or the United States of America or any other property exempted by State or Federal, Public or Private Act from assessment.

Rulel g.21 Paper streets. In the case of a right of way or paper street leading nowhere and serving no acreage in common ownership with the right of way or paper street, no assessment will be made of the paper street.

Rule g.22 Property classified as farm land, forest land or open space pursuant to the Connecticut General Statutes. Any property which on the effective date of this Resolution is properly classified as farm land, forest land or open space, pursuant to the Connecticut General Statutes, which property is
not otherwise zoned residential, shall be treated as if it were zoned residential for purposes of determining an entitlement to a deferred assessment by reason of excess acreage, excess frontage or excess valuation. Said treatment shall continue for so long as the property continues to be so classified.

Rule g.23 Land abutting sewer line in unimproved and unaccepted street. Any land abutting a sewer line which line was constructed by the Town in a street shown on an approved subdivision map shall be subject to assessment in accordance with the foregoing rules not withstanding the fact that the street has neither been built nor accepted.

Rule g.24 Railroad owned land. Where land owned by a railroad company is used solely as a road bed or rail right of way such property will not be assessed.

Rule g.25 Beaches. Where land owned by a beach association is used solely for beach purposes and contains no structures, such beach will not be assessed.

h. Determination of Units.

In determination and application of the unit charge the following definition shall apply:

Rule h.1 Unit. A separate lot located in a residential zone and which lot is vacant or contains not more than one dwelling.

Rule h.2 Dwelling. A building or part thereof, containing complete housekeeping facilities for one family.

Rule h.3 Family. One or more persons who live together

Rule h.4 Lot. A separate parcel of land as shown on the East Lyme Assessor's maps on October 1, 2000.

Rule h. 5 Future Lot. Any lot created after the date of this resolution shall be assessed in accordance with the terms of this resolution. However, any property in a commercial/special use zone which is divided afer the date of this resolution shall not be reassessed except in accordance with Paragraph 2n., contained herein.

i. Calculation of Units. In calculating units the following additional rules shall apply:

Rule i.1 Residential Zone:

i. Vacant Lot – 1 unit.
ii. Lot with single dwelling – 1 unit
iii. Lot with multiple dwelling – 1 unit plus 1 Unit per dwelling for every dwelling after the first dwelling.

Rule i.2 Commercial/Special Use Zone:

i. Vacant Lot – 3 units
ii. Lot with commercial structures – 3 units
iii. Lot with or without commercial structures and dwelling or dwellings – 3 units plus an additional unit for each dwelling.
iv. Lot with hotel or motel – 3 units plus 1 additional unit for each three guest rooms.

Rule i.3 Industrial Zone:

i. Vacant Lot – 5 units
ii. Lot with industrial structures – 5 units
iii. Lot with or without industrial structures and dwelling or dwellings- 5 units plus an additional unit for each such dwelling
iv. Lot with hotel or motel – 5 units plus 1 additional unit for each three guest rooms.

j. Determination of Flat Rate: The total assessments ($19,194) for those properties zoned residential; except properties used as multi-family use (three (3) or more family units), or used as a residential single family use regardless of zone, either of which do not exceed 4 acres and/or 400 feet of sewered frontage, and all condominium units regardless of zone, shall be divided by a sum equal to the total number of such properties plus 75% of the total number of units located on such condominium and two-family properties, and the sum so determined shall be the "Flat Rate".

k. Application of 'Flat Rate':

1. The Flat Rate shall be the actual assessment charged to each property described in paragraph 2.j above, except that those properties containing two (2) dwelling units shall receive an assessment equal to the number of units thereon multiplied by 75% of the “Flat Rate”. 75% of the ‘flat rate” per unit shall also be the actual assessment charged to each condominium unit regardless of the zone in which such condominium is located. Multi-family use properties (three (3) or more dwelling units) shall be assessed by commercial formula regardless of zone.

l. Definitions. In determination and application of the Flat Rate under 2.j and 2.k above the following definitions shall apply.

1. Dwelling Unit. A building, or part thereof, containing complete housekeeping facilities for one family.
2. Family. One or more persons who live together and maintain a common household.

m .Common Interest Declaration. When any structure subject to assessment under any provision of this Resolution is declared subject to the Connecticut Common Interest Ownership Act, each unit of such structure shall be assessed individually at 75% of the “Flat Rate” as of the date of the Declaration or the effective date of this Resolution, whichever is later.

n. Later Expansion. Whenever any structure is constructed or expanded after the effective date of the assessment resolution, such structure shall be assessed according to the terms of this Resolution as if such structure had existed on the effective date of this Resolution, provided that the amount of any deferred assessment levied against the same land, or that portion of any deferred assessment levied against the same land which is the site of a subsequent structure shall be credited against any assessment due. The owner, builder or developer shall pay for the entire installation if a sewer extension is necessary to service the property, including all expenses incidental thereto in accordance with Section 5 of the Sewer Use and Sewage Disposal Ordinance. There shall be no credit against the benefit assessment for these costs.

o. Deferred Assessments. Deferred assessment shall be deferred until such excess land shall be built upon or a building permit issued therefore, or until approval of a subdivision plan of such excess property by the planning commission having jurisdiction, whichever event occurs first, at which time assessment shall be made as provided herein. Provided further that the total deferred benefit to be assessed against lots used for single family residences shall not exceed the flat rate established herein times the number of such single family lots established. No lien securing payment shall be filed until property is assessed.

3. That the cost to be assessed for the above-described public sanitary sewer collection system is determined to be $610,000.00.

4. That there is hereby assessed upon and against the lands and upon the owner thereof of each property affected by the foregoing public improvement which the East Lyme Water and Sewer Commission has found to be especially benefited by said public improvement, the benefit assessments shown after the name of the affected property owner and in the amount due column, being the amount of the owner’s due proportion of the portion of the public improvement as assessed in accordance with the decision of the Water and Sewer Commission. The benefited properties are listed by street and number according to names of owners; indicating the front footage, the land

valuation, the acreage, the number of units, and the total due assessment, as applicable, and are more particularly set forth in Schedule “A” attached hereto.

5. That the assessment set forth in Paragraph four (4) above shall be due and payable at such time as determined by resolution of the East Lyme Water and Sewer Commission, unless installment payments are made in accordance with Paragraph six (6) below.

6. That the installment payment of any assessment shall be made in twenty (20) substantially equal annual installments, the first payment to be due and payable at such time as determined by resolution of the East Lyme Water and Sewer Commission, each subsequent payment of an installment to be due and payable on or before the anniversary date in consecutive years, and the final payment shall be due and payable not later than the nineteenth anniversary of the first annual payment date set by the East Lyme Water and Sewer Commission, made payable to the order of the Treasurer of said Town. Notice of installment payment will be recorded on the Land Records as provided in the General Statutes.

a. Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum, together with all accrued interest, shall become due and payable.

7. That interest at the rate of five and one half percent (5.5%) per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in Paragraph six (6) above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof. Property owners may pay the entire assessment in full at such time as determined by resolution of the East Lyme Water and Sewer Commission without incurring any interest charges.

8. That any assessment of benefit or any installment thereof, not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner provided by the General Statutes for delinquent property taxes.

9. That each addition of interest shall be collectible as part of such assessment.

10. That whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in Paragraph eight (8) above or Five ($5.00) dollars whichever is greater.

11. Any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property taxes.

BE IT FURTHER RESOLVED, that the work of the construction of said public improvements, as described hereinbefore, shall now be deemed duly and legally authorized, and all assessments of benefits stated herein and in the public record of the East Lyme Water and Sewer Commission shall be deemed duly and legally made. The Chairman of the Water and Sewer Authority shall cause a notice to be published listing properties against which benefits have been assessed, with the amount to be

paid by each such owner and a notice of the date when assessments are due and payable in accordance with Chapter 103 of the Connecticut General Statutes as amended. Said Chairman shall also cause to be mailed, postage pre-paid, a copy of the assessment of benefits addressed to the owner of each property affected thereby at such owner's address as shown in the last completed grand list of the municipality or at any later address of which the Water and Sewer Commission may have knowledge.

Town of East Lyme
SCHEDULE A
Sewer Benefit Assessment
Sewer Main Extension No. 1

OWNER	STREET	MAP/LOT	FRONTAGE	AREA	ASSESS VALUE	UNITS	BENEFIT ASSESSMENT
Leisure Sports, Inc (Camp Niantic)	271 W Main St	9-2	786.11	59.9	104,370	3	$77,627.97
Littlefield, John A	269 W Main St	9-3	200	1.38	26,320	1	$ 9,596.81
Keating, I F Est	266 W Main St	9-39	800	6.97	30,940	1	$ 9,596.81
Old Lyme Assocs	4 Colton Rd	9-5	472	1.78	72,730	5	$25,925.45
MM Nova, LLC	6 Colton Rd	9-6	155.02	1.02	71,050	5	$19,182.14
European Auto	8 Colton Rd	9-7	160	2.06	76,300	5	$20,493.45
Third Generation Realty, III	10 Colton Rd	9-8	200	2.75	105,350	5	$23,821.87
Sudberry House, Inc	12 Colton Rd	9-9	222.6	3.07	106,960	5	$24,623.94
Hand, Charles	18 Colton Rd	9-11	344.23	5.31	67,970	5	$26,079.18
Lyme Associates	22 Colton Rd	9-12	107	8.96	217,910	5	$34,929.25
Farrelly, Ruth P et al	19 Colton Rd	9-13	451	10.48	94,640	5	$34,190.44
Clark, Leroy R	15 Colton Rd	9-14	227	3.78	77,840	5	$23,282.31
Hudson Bearings, Inc	13 Colton Rd	9-15	250	3.68	77,490	5	$23,611.52
Brewster, Lois B	11 Colton Rd	9-16	273.65	1.87	37,660	5	$19,824.26
Kronick, Joseph S & Lynn S	5 Colton Rd	9-23	229.5	2.06	96,670	5	$23,214.62
Mazzalupo, David B & Paula Wurdi	3 Colton Rd	9-24	250.01	1.81	75,040	5	$21,905.58
D W Realty Co, LLC	8 Capitol Dr	9-17	334.93	1.98	74,270	5	$23,600.35
DC Realty, LLC	12 Capitol Dr	9-18	200	3.17	36,400	5	$19,411.22
Kronick, Joseph S & Lynn S	16 Capitol Dr	9-18.1	460	12.19	61,880	5	$33,506.85
Sprout, LLC	14 Capitol Dr	9-18.2	212	1.68	73,990	5	$19,283.20
Kronick, Joseph S & Lynn S	Capitol Dr	9-19	26.18	14.39	97,510	5	$29,557.52
Enviro Test	15 Capitol Dr	9-20	132.84	3	68,810	5	$20,235.17
Capitol Holding of Connecticut, LLC	11 Capitol Dr	9-21	292	3.5	70.070	5	$23,747.12
Dunphy & Brown	7 Capitol Dr	9-22	233.07	2.82	79,940	5	$22,752.98

Adopted by Water & Sewer Commission NOV. 28, 2000

SANITARY SEWER BENEFIT RESOLUTION FOR SEWER MAIN EXTENSION NO. 2

RESOLUTION relative to an assessment of benefits for Extension No. 2 of the public sanitary sewerage system installed in the Town of East Lyme, Connecticut; establishing the due date of said assessments; providing for installment payments of assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission, the duly established and existing Water Pollution Control Authority within and for the Town of East Lyme, exercising its statutory authority under the laws of the State of Connecticut, has heretofore approved the work of making public improvements by construction of Extension No. 2 of the Town's public sanitary sewerage system, said improvements

being more particularly described in as-built plans and specification on file with the East Lyme Water and Sewer Commission; and

WHEREAS, the Connecticut General Statutes provide in part that at any time after a municipality by its Water Pollution Control Authority has authorized the acquisition or construction of a sewerage system, or portion thereof, the Water Pollution Control Authority may apportion and assess the whole or any portion of the cost thereof upon the lands and buildings in the municipality which, in its judgment, are especially benfited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings according to said Connecticut General Statutes and such rules as the Water Pollution Control Authority adopts:

NOW, THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission, as follows:

1. That the area within which sewer assessments are due for Extension No. 2 of the Town's public sanitary sewers include all properties abutting or actually making use of the public sanitary sewer system. By and large, Extension No. 2 begins at the intersection of Corey Lane and West Main Street (Connecticut Route 156) and runs in a general northerly direction in and along Corey Lane for a distance of three hundred and thirty (330') feet, more or less, as more particularly shown on as-built plans and specifications on file with the East Lyme Water and Sewer Commission.

2. That the East Lyme Water and Sewer Commission has considered the zoning classification and actual use in allocating assessments among the benefited properties as shown on Assessor's records of the Town of East Lyme on the Grand List of October 1, 2002. Because the zoning classification and actual use of the properties benefited by Extension No. 2 is limited to residential use, the Commission has allocated those benefits to a residential category, consisting of single family residences and all residential use condominiums, and has established general rules of assessment for said assessment area, as follows:

    a. Determination of Flat Rate. The assessment for those properties zoned residential used as a residential single family use shall be determined by the application of the following "Flat Rate"; Ten Thousand Two Hundred ($10,200) Dollars for each benefited property used as a residential single family use.
    b. Application of "Flat Rate": The Flat Rate shall be the assessment charged to each property described in Paragraph 2a above, except that those properties containing two (2) dwelling units shall receive an assessment equal to the number of units thereon multiplied by 75% of the "Flat Rate", 75% of the "Flat Rate" per unit shall also be the actual assessment charged to each condominium unit regardless of the zone in which such condominium is located.
    c. Definitions. In determining an application of the "Flat Rate" under Paragraphs 2a and 2b above, the following definitions shall apply.
        1. Dwelling Unit. A building, or part thereof, containing complete housekeeping facilities for one family.
        2. Family. One or more persons who live together and maintain a common household.
    d. Common Interest Declaration. When any structure subject to assessment under any provision of this Resolution is declared subject to the Connecticut Common Interest Ownership Act, each unit of such structure shall be assessed individually at 75% of the "Flat Rate" as of

the date of the Declaration or the effective date of this Resolution, whichever is later.

e. Later Expansion. Whenever any structure is constructed or expanded after the effective date of the assessment resolution, such structure shall be assessed according to the terms of this Resolution as if such structure had existed on the effective date of this Resolution, provided that the amount of any deferred assessment levied against the same land, or that portion of any deferred assessment levied against the same land which is the site of a subsequent structure shall be credited against any assessment due. The owner, builder or developer shall pay for the entire installation if a sewer extension is necessary to service the property, including all expenses incidental thereto in accordance with Section 5 of the Sewer Use and Sewage Disposal Ordinance. There shall be no credit against the benefit assessment for these costs.

3. That there is hereby assessed upon and against the lands and upon the owner thereof of each property affected by the foregoing public improvement which the East Lyme Water and Sewer Commission has found to be especially benefited by said public improvement, the benefit assessments shown after the name of the affected property owner and in the amount due column, being the amount of the owner's due proportion of the portion of the public improvement as assessed in accordance with the decision of the Water and Sewer Commission. The benefited properties are listed by street and number according to names of owners and the total assessment, as applicable, and are more particularly set forth in Schedule "A" attached hereto.

4. That the owners of houses, buildings or other structures used for human occupancy and located on the parcels of land abutting sanitary sewer Extension No. 2, more particularly described in Schedule "A" attached hereto, may opt to connect said houses, buildings and structures to the sewer upon their request and at their expense.

   a. Provided, however, that if an existing subsurface disposal system servicing any of such houses, buildings or structures is not approved by the East Lyme Director of Health, or should the system fail at any time after said approval, or should a change in use of the premises require an expansion or improvement of an existing subsurface disposal system, a connection to the sewer system must be made within one hundred twenty (120) days after being ordered to do so by the Commission, subject to the public hearing and appeal rights provided for in Connecticut General Statutes Section 7-257 et seq. Any houses, buildings or structures constructed during or after the installation of sanitary sewer Extension No. 2 shall be connected directly with the sewer in accordance with the provisions of this ordinance, within one hundred twenty (120) days after being ordered to do so by the Commission.

5. That the assessments set forth in Paragraph 3 hereof shall be due upon the issuance of a permit to connect a house, building or structure on a particular property to sanitary sewer Extension No. 2, and shall be payable at a time specified in a statement of the amount due sent to the owner of the property by the East Lyme Water and Sewer Commission. The full amount of the assessment shall be payable within thirty (30) days after the date specified in said statement to the owner of the property, unless the property owner elects to pay the assessment in installments in accordance with Paragraph 5 hereof.

6. That the installment payment of any assessment shall be made in twenty (20) substantially equal annual installments, the first payment to be due and payable at such time as is specified in a statement of the amount due sent to the owner of the benefited property by the East Lyme Water and Sewer Commission, each subsequent payment of any installment to be due and payable on or before the anniversary date in consecutive years, and the final payment shall be due and payable not later than the nineteenth anniversary of the first annual payment date set by the East Lyme Water and Sewer Commission, made payable to the order of the Treasurer of said Town. A Notice of Installment Payments will be recorded on the East Lyme land records as provided in the General Statutes.

   a. Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum, together with all accrued interest, shall become due and payable, together with attorney's fees and costs of collection.

7. That interest at the rate of four and two-tenths (4.2%) percent per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in Paragraph 5 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof. Property owners may pay the entire assessment in full at such time as determined by resolution of the East Lyme Water and Sewer Commission without incurring any interest charges.

8. That any assessment of benefit or any installment thereof, not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner provided by the General Statutes for delinquent property taxes, together with attorney's fees and costs of collection.

9. That each addition of interest shall be collectible as part of such assessment.

10. That whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in Paragraph 8 above or Five ($5.00) Dollars, whichever is greater.

11. Any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens. Each lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property taxes.

BE IT FURTHER RESOLVED, that the installation of said public improvements as described hereinbefore, shall now be deemed duly and legally authorized; that said improvements have been duly and legally accepted by the Town of East Lyme; and that all assessments and benefits stated herein and in the public record of the Town of East Lyme Water and Sewer Commission shall be deemed duly and legally made. The Chairman of the Water and Sewer Authority shall cause a notice to be published listing properties against which benefits have been assessed, with the amount to be paid by each such owner and notice of the date when assessments are due and payable in accordance with Chapter 103 of the Connecticut General Statutes as

amended. Said Chairman shall also cause to be mailed, postage prepaid, a copy of the assessment of benefits addressed to the owner of each property affected thereby at such owner's address as shown in the last completed grand list of the municipality or at any later address of which the Water and Sewer Commission may have knowledge.

SCHEDULE A

Owner(s)	Property Location	Assessor's Map-Lot	Assessment
Philip & Nancy Damato	80 Corey Lane	10.4 43-1	$10,200.00
Linda M. Leonard	82 Corey Lane	10.4 43-2	$10,200.00
Steven J. Carpenteri and Rebecca R. Cahill	84 Corey Lane	10.4 43-3	$10,200.00
Galco, LLC	86 Corey Lane	10.4 43-4	$10,200.00
DB Design, LLC	88 Corey Lane	10.4 43-5	$10,200.00
William J & Frances Rinoski	77 Corey Lane	10.4 33	$10,200.00
Albert B & Frances Corey	79 Corey Lane	10.4 34	$10,200.00

ADOPTED BY WATER & SEWER COMMISSION AUG 26, 2003

RESOLUTION

OF EAST LYME WATER AND SEWER COMMISSION REGARDING ADOPTION OF SEWER USE CHARGES

WHEREAS, the Town of East Lyme Water and Sewer Commission has constructed wastewater treatment works; and

WHEREAS, it is the Commission's intent to establish proportionate user charges that place the cost of abatement directly on the sources of pollution, conserve potable water, and maintain financial self-sufficiency; and

WHEREAS, the Town of East Lyme must pay the operation and maintenance expenses associated with said treatment works and charge the user of said treatment works accordingly; and

WHEREAS, authority has been granted to the East Lyme Water and Sewer Commission to establish and collect said user charges by the Sewer Use and Sewage Disposal Ordinance enacted by the Town of East Lyme on March 6, 1991; and

NOW THEREFORE, it is hereby resolved by the Town of East Lyme Water and Sewer Commission that regulations regarding the sewer user charges attached to this resolution and made part hereof be adopted.

REGULATIONS OF EAST LYME WATER AND SEWER COMMISSION
REGARDING ADOPTION OF SEWER USE CHARGES

Section 1: Definitions

1.1 Unless the contacts specifically states otherwise, the meaning of the terms used in this regulation shall be as follows:

(a) Operation and maintenance shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(b) Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance of such works for which such works were designed and constructed.

(c) Residential User shall mean any contributor to the Town's treatment works whose lot, parcel or real estate or building is used for domestic dwelling purposes only.

(d) Commercial User shall mean all retail stores, restaurants, office buildings, laundries, and other private businesses and service establishments.

(e) Industrial User shall include any non-governmental, non-residential user of publicly owned treatment works as defined in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions;

Division A - Agriculture, Forestry and Fishing;
Division B - Mining;
Division D - Manufacturing;
Division E - Transportation, Communication,
Electric, Gas and Sanitary; and

Division I - Services

(f) Institutional User shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

(g) Governmental Users shall include legislative, judicial, administrative and regulatory activities of the Federal, state and local governments.

(h) Shall is mandatory, may is permissable.

(i) Treatment Works shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage and liquid industrial wastes. These include intercepting sewers, outfall sewers, sewer collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply of such standby treatment units and clear well facilities; and any works, including side acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting, sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste

or industrial waste, including waste in combined stormwater and sanitary sewer systems.)

(j) Useful Life shall mean the estimated period during which the treatment works shall be operated.

(k) User Charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

(l) Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the Town of East Lyme Sewer Director or other duly authorized employee of the Town of East Lyme Water and Sewer Commission.

(m) BOD (denoting Biochemical oxygen demand) shall mean the quantity of oxygen utilized in the Bio Chemical Oxidation or organic matter under standard laboratory procedure at 5 days at 20C express in milligrams per liter (mg/l).

(n) Normal Domestic Wastewater shall mean wastewater that has a BOD concentration of not more than 240 parts per million by weight; and suspended solids concentration of not more than 240 parts per million; or containing more than 15 parts per million of chlorine demand; or containing any quantity of substances having the characteristics above the previously described limits; or having an average daily flow greater than 2 percent of the average daily sewage flow of the town.

(o) SS (denoting suspended solids) shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids in which are removable by laboratory filtering.

(p) Sewer Director shall mean the person appointed by the commission as an administrative officer who shall at all times be responsible to and subject to the commission and subject to removal for cause. The commission may also appoint a deputy director who in the director's absence shall have the same powers and duties as the director.

(q) Commission shall mean the Water and Sewer Commission of the Town of East Lyme, Connecticut.

Section 2.: Sewer Operation, Maintenance & Replacement Fund

2.1 The revenues collected, as a result of the user charges levy, shall be deposited in a separate non-lapsing fund known as the Sewer Operation, Maintenance & Replacement Fund.

2.2 Fiscal year-end balances in the operation, maintenance & replacement fund shall be used for no other purpose than those designated. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance & replacement fund shall be returned to their respective accounts appropriate adjustment of the user charge rates for operation, maintenance & replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

Section 3: Rates and Charges

3.1 Each user shall pay for the services provided by the Commission based upon use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Commission.

3.2 For residential, industrial, and commercial users, semi-annual user charges will be based on actual water usage. If an industrial, institutional or commercial customer uses water which is not discharged into the wastewater collection system, and desires not to be billed for use of such water, upon application to the Commission and approval of such application flows not discharged to the municipal sewerage system will be metered separately. A second meter to measure flow to be deducted from the total metered water consumption at the site. The cost of providing and plumbing the second meter shall be the sole responsibility of the customer. Properties for which an exception is granted will be charged a flat fee, to be applied to each semi-annual usage bill, to offset the Commission's burden of additional meter readings and administration expenses associated with "exception" accounts. This fee will be in an amount equal to the sewer usage then in effect for 25,000 gallons of sewer usage.

3.3 All users of the Commission's facilities shall pay a user fee based in terms of $ per 1000 gallons of water used. The user fee is calculated as follows:

Rate per 1000 gallons = (Total annual OM&R Costs
Less Permit Fees) (Estimated Annual Water
Consumption/1000)

Each user shall pay a user charge rate for operation and maintenance including replacement of capital equipment as set forth in Appendix A of these Regulations. The user fee shall be determined per Appendix A on an annual basis by the Commission and subject to the statutory limitations contained in Chapter 103 Section 7-255 of the Connecticut General Statutes. The initial user charge rate shall hereafter be four ($4.00) dollars per 1000 gallons of water usage. This fee is subject to change by vote of the Commission pursuant to Section 7 of these regulations.

3.4 Each user shall pay upon connecting into the wastewater collection system a permit and inspection fee of fifty ($50.00) dollars. This fee is subject to change by vote of the Commission pursuant to Section 7 of these regulations.

3.5 Those residential users that derive potable water from on site wells without metered water service shall install a water meter for measuring volume or, as approved by the Commission, have their bills computed based on water use associated with similar residential users within the system.

3.6 Any user that discharges any toxic pollutants (as defined in the Town of East Lyme Sewer Use and Sewage Ordinance) which causes an increase in the cost of managing the effluent of the sludge from the Town's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased cost. The charge to each such user shall be determined by the Sewer Director and approved by the Commission.

Section 4: Billing and Late Charges

4.1 All users shall be billed semi-annually. Semi-annual bills shall be due and payable to the Commission on November 1 and May 1 of each year. Any payment not received within thirty days after the due date shall be delinquent and subject to interest and penalties pursuant to law.

4.2 A late payment penalty of 1% of the user charge bill will be added to each delinquent bill for each thirty days or a portion thereof of delinquency. When any bill is more than ninety (90) days in default, water and/or sewer service to such premises may be discontinued until such bill is paid.

4.3 When any bill (including interest and penalty) remains unpaid for one year after the date due, such bill shall be recorded in the land records of the Town of East Lyme by the Chairman of the Commission and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period of one year after the date of recordation, such property shall be subject to public sale pursuant to law.

Section 5: Reporting Requirements

5.1 All users contributing more than 200,000 gallons per month and whose waste strength is greater than 240 mg/1 BOD/1 or 240 mg/1 SS/1 shall prepare and file with the Commission a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the user charges for that user. The Commission shall have the right to gain access to the waste stream and make its own samples. Should the Commission do so and should the results be substantially different as determined by the Commission from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle/period.

Section 6: Review of Charges by Commission

6.1 Any user(s) who feels their user charge is unjust or inequitable may make written application to the Commission requesting a review of their user charge. Said written request shall, where necessary, show the actual or estimated flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

6.2 Review of the request shall be made by the Water and Sewer Commission and, if substantiated, the user charges for that user shall be recomputed on the basis of the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

Section 7: Annual Review by Commission

7.1 The Commission will review the user charges when it deems appropriate and may revise its rates and fees as are necessary to insure that adequate revenues are generated to pay the cost of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement cost among users and user classes.

7.2 The Commission will notify each user of any rate change(s) by publication of said rate change in The Day newspaper on at least two occasions more than thirty days before said rate change becomes effective.

APPENDIX A

This appendix presents the methodology to be used in calculating user charge rates and surcharges and illustrates the calculations followed in arriving at the first year's user charges and surcharges.

1. Expenses: Total Annual Expenses by Unit Process Are:

Unit Process	Total Annual Amount	Volume Amount	Permit Fund	Gen	Costs
Pump Stations, Collection & Conveyance System	$269,200	85%	4.5%	10.5%	
Administrative & General	20,800	85%	4.5%	10.5%	
Operative Reserve	0				
Reserve Capital Replacement	0				
TOTAL O,M&R Costs	$290,000				

2. Loadings:

The total water consumption is estimated to be 61,750,000 gal/year.

3. Unit Costs
total annual O,M&R costs in
$/1,000 gallons = Total annual O,M&F $ Estimated annual water consumption/1,000 gallons

$/1,000 gallons = $247,000 = 4.00/1,000 gal.
61,750

ADOPTED MAY 26, 1992 WATER & SEWER COMMISSION
AMENDED AUGUST 25, 1992 WATER & SEWER COMMISSION
AMENDED NOVEMBER 27, 2001 WATER & SEWER COMMISSION

ORDINANCE TO CREATE A REGIONAL COUNCIL OF GOVERNMENTS

WHEREAS, Southeastern Connecticut has entered a period of complex challenges affecting the region's economy, its tax base, the demand for services and its infrastructure; and

WHEREAS, dealing effectively with these challenges will require a high level of intergovernmental cooperation; and

WHEREAS, a need exists to establish a formal organization of municipal chief elected officials within Southeastern Connecticut to facilitate intergovernmental cooperation and collective public action at the regional level; now therefore,

BE IT ORDAINED, that the Town of East Lyme hereby adopt Sections 4-124i through 4-124p of the Connecticut General Statutes providing for the formation of the Southeastern Connecticut Regional Council of Governments and does hereby join such Regional Council of Governments when and as such Council is duly established in accordance with said statutes upon the adoption of said statutes by not less than sixty percent (60%) of the eligible municipalities within the Southeastern Connecticut Planning Region as defined by the Secretary of the Office of Policy and Management or his designee, and upon certification by the Secretary of the Office of Policy and Management or his designee that a Regional Council of Governments has been duly established.

When the Regional Council of Governments is duly established and this transition period called for in Section 4-124-1(b) of the Connecticut General Statutes, as amended, has been completed, the Town of East Lyme does hereby repeal the ordinance of April 18, 1960 and any amendments thereto that created the town's participation on the Southeastern Connecticut Regional Planning Agency.

The Town Clerk is directed immediately to prepare and file with the Secretary of the Office of Policy and Management a certified copy of this ordinance to establish a Southeastern Connecticut Regional Council of Governments.

TM Volume 19, page 161
Effective October 20, 1992

(HARBOR MANAGEMENT ORDINANCE)
ORDINANCE FOR THE USE AND ENJOYMENT OF EAST LYME HARBOR MANAGEMENT AREA

Art. I: In General, Sec. 1-7
Art II: Harbor Management Commission, Sec. 8-11

ARTICLE I: IN GENERAL

SECTION 1. PURPOSES

Whereas, the Town of East Lyme has established a Harbor Management Commission which also acts pursuant to law as the Town Shellfish Commission.

Whereas, the Harbor Management Commission has prepared a Harbor Management Plan pursuant to the requirements of Sections 22a-113k through 22a-113s of the Connecticut General Statutes and other related legislation; and

Whereas, the Town of East Lyme desires to manage its harbor resources in the most effective manner and plan for the most desirable use of the East Lyme Harbor Management Area for conservation, recreation, and development;

Therefore, the Board of Selectmen hereby enacts the following ordinance for the management of the East Lyme Harbor Management Area.

SECTION 2. BOUNDARIES

a. Harbor Management Area Boundaries

The overall boundaries of the East Lyme Harbor Management Area include all navigable waters and intertidal areas below the Mean High Water line of the shoreline of East Lyme and bounded on the east by the East Lyme/Waterford town line; on the

south by a straight line running from Millstone Point to Black Point and by a straight line running from Black Point to Hatchetts Point; and on the west by the East Lyme/Old Lyme town line.

b. Shellfish Grounds Boundaries

The East Lyme Harbor Management Commission shall have charge of all shellfisheries and shellfish grounds lying in the Town of East Lyme not granted to the Waterford-East Lyme Shellfish Commission by Section 26-287 of the Connecticut General Statutes, Revision of 1958, as amended, and not under the jurisdiction of the commissioner of agriculture, including all rivers, inland waters and flats adjacent to all beaches and waters within the limits and marine bounds (below the mean high water line) of the Town.

SECTION 3. DEFINITIONS

Abode: The principal, non-water dependent use of a structure or vessel as a dwelling or home.

Aids to Navigation: All markers on land or in the water placed for the purpose of enabling navigators in the Harbor Management Area to avoid navigation hazards and/or fix their position. Aids to navigation include federal aids placed and maintained by the US Coast Guard, and "private" aids placed and maintained by all other government and private interests under permit from the Coast Guard, Corps of Engineers, and Connecticut Department of Environmental Protection. Private aids include any buoys, signs and other markers identifying restricted speed areas.

Anchor: a: A heavy device, fastened to a chain or line, and dropped to the bottom of a waterbody to hold a vessel in position, including an anchor used to secure a vessel at a mooring. Specifically excluded from this definition are engine blocks and other devices which, when used as anchors, could result in the degradation of water quality or otherwise damage coastal resources: b To secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors or other ground tackle from a vessel.

Anchorage: Those water areas designated for anchoring with ground tackle carried on board a vessel.

Channel: Water areas specifically reserved for unobstructed movement of vessels, shown on navigation charts, and marked in-water by aids to navigation.

Coastal Site Plan Review: The process whereby specific development plans proposed within the Town's coastal boundary are reviewed by the Planning and Zoning commissions for consistency with East Lyme's Municipal Coastal Program and the Connecticut Coastal Management Act.

Commercial Mooring: A mooring as defined by the Corps of Engineers for which any type of a fee is charged (excepting a fee charged by the Town for a mooring permit issued by the Harbor Master) and which must be authorized by an individual permit from the Corps of Engineers, the State Department of Environmental Protection and the Harbor Master. Commercial moorings include moorings offered by marinas for transient or seasonal rental, and moorings controlled by private clubs if the annual membership fee includes a club-controlled mooring.

Commercial Vessel: Any vessel, licensed or unlicensed, used or engaged for any type of commercial venture, including but not limited to the carrying of cargo and/or passengers for hire and commercial fishing.

Deputy Harbor Master: The Deputy Harbor Master appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut

General Statutes, and who shall carry out his duties under the direction of the Harbor Master.

Emergency: A state of imminent or proximate danger to life or property in which time is of the essence.

Fairway: A specific water area to be kept free of obstructions to ensure safe passage of recreational and commercial vessels to, from, through, and alongside navigation channels, mooring areas, anchorages, and berthing areas.

Floating Home: Any structure constructed on a raft, barge or hull, moored or docked in any water that is used primarily for single or multiple-family habitation or that is used for the domicile of any individual(s) for a period of more than 2 weeks.

Harbor Management Act: The legislation contained within the State of Connecticut General Statutes, sections 22a-113k through 22a-113t, as may be amended from time to time, and which authorizes municipalities to establish harbor management commissions and prepare harbor management plans.

Harbor Management Area: The area of jurisdiction of the East Lyme Harbor Management Commission as defined in the Harbor Management Plan and Section 2 of this Ordinance.

Harbor Management Commission: The duly appointed body of the Town of East Lyme with responsibilities for carrying out the Harbor Management Plan as set forth under the Harbor Management Act and any other duties granted by state ordinance including having charge of all shellfisheries and shellfish grounds lying in the town not granted to the Waterford-East Lyme Shellfish Commission and not under the jurisdiction of the state commissioner of agriculture.

Harbor Management Consistency Review Process: The process authorized by Section 22a-113p of the Connecticut General Statutes and described in the Harbor Management Plan whereby the Harbor Management Commission shall review for consistency with the Harbor Management Plan, specific development proposals submitted to, or proposed by, Town of East Lyme commissions and departments, and state and federal agencies.

Harbor Management Account: A Town account, within the Town's General Fund, as authorized by Section 22a-113s of the Connecticut General Statutes into which shall be deposited all fees for mooring and anchorage permits and other activities within the scope of the Harbor Management Plan and which shall be used for the maintenance and improvement of the East Lyme Harbor Management Area for the public and for expenses for personnel and equipment directly related to the function of the Harbor Management Commission and the Harbor Master or Deputy Harbor Master.

Harbor Management Ordinance: This Ordinance establishing rules and regulations for the use and enjoyment of the East Lyme Harbor Management Area as recommended by the East Lyme Harbor Management Commission and adopted by the East Lyme Board of Selectmen.

Harbor Management Plan: A plan for the balanced use of East Lyme's Harbor Management Area for recreational and other purposes and for the protection of environmental resources as prepared by the Harbor Management Commission, adopted by the Board of Selectmen and approved by the Connecticut departments of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes and Article II of this ordinance.

Harbor Master: The Harbor Master appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut General Statutes, and who shall advise the Harbor Management Commission with respect to matters

concerning the waters under the jurisdiction of the Town of East Lyme and have special responsibilities for implementing the Harbor Management Plan.

Hazard to Navigation: An obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

Individual-Private Mooring: A mooring belonging to an idividual and authorized for use by a mooring permit issued by the Harbor Master and a general permit from the Corps of Engineers.

Inspection Service: Any person or business known to the Harbor Master who has equipment and knowledge suitable for making mooring tackle inspections.

Marine Facility: Any facility (including but not limited to docks, floats, piers, ramps, hoists, parking areas, concessions, and service facilities), either publicly or privately owned, intended primarily to be used by or for the service of vessels and located within the Harbor Management Area.

Mean High Water Line: The average height of the maximum elevatin reached by each rising tide over a nineteen-year period immediately preceding the current year. Proposed work and structures seaward of the mean high water line are subject to federal regulatory authorities carried out by the U.S. Army Corps of Engineers as well as state regulatory authorities. (State regulatory authorities also extend above the mean high water line to the high tide line which is defined by a higher elevation than the mean high water line.) All land and water areas seaward of the mean high water line are subject to the Public Trust Doctrine and held in trust by the State of Connecticut for public use. The mean high water line also marks the seaward boundary of the jurisdiction of East Lyme's Planning and Zoning Commissions.

Moor: To secure a vessel to the bottom of a waterbody by the use of mooring tackle.

Mooring: A semi-permanent anchorage installation consisting of a heavy anchor (usually of the mushroom type), chain, a mooring buoy, and other equipment so designed that, when the attachment of such equipment to a vessel is terminated, some portion of the equipment remains below the surface of the water and is not under the control of the vessel or its operator.

Mooring Area: An area designated by the Harbor Management Commission, and including Special Anchorage Areas designated by the U.S. Coast Guard, within which vessels may be moored provided a valid permit for such mooring is obtained from the Harbor Master.

Mooring Location: A place where a buoyant vessel is permanently secured to the bottom of a waterbody by mooring tackle and by permit from the Harbor Master.

Mooring Tackle: The chain, anchor, buoys, and other equipment used to moor a vessel. Specifically excluded from this definition are engine blocks and other devices which, when used as anchors, could result in the degradation of water quality or otherwise damage coastal resources.

Obstruction to Navigation: Anything that restricts, endangers, or interferes with navigation.

Personal Watercraft: A vessel propelled by machinery which satisfies one or both of the following criteria: a) has a width not greater than twenty-four inches; 2) is capable of carrying at least one individual who while operating the vessel has no means of steerage other than shifting his or her body weight.

Persons: Those, including individuals, corporations, societies, associations and partnerships, using the facilities and areas within the Harbor Management Area and subject to the provisions of this ordinance.

Qualified Inspector: Any person approved as an inspector of mooring tackle by the Harbor Master.
Slip: Berthing space for a single vessel alongside a pier, finger float, or walkway.
Shall and May: "Shall" is mandatory; "May' is permissive.
Special Anchorage Area: A water area designated by the Coast Guard, identified on navigation charts, and where vessels may be anchored or moored. Within such areas, vessels less than 65 feet are not required to display anchorage lights.

State: The State of Connecticut.
Stray Vessel: An abandoned vessel, a vessel with unknown owner, or a vessel underway without a competent person in command.
Transient: A person traveling to the Harbor Management Area by boat and staying for a temporary period of time.
Transient Anchorage: Any area reserved and designated in the Harbor Management Area for the exclusive short term use (not to exceed seven consecutive days) of commercial and recreational vessels and any vessels seeking emergency shelter.

Vessel: As defined by State statute, every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

SECTION 4. GENERAL PROVISIONS

a. Applicability

The provisions of this ordinance and any rules and regulations adopted pursuant thereto shall be applicable, and shall govern the use of the harbor management lands, waters, and facilties under the jurisdiction of the East Lyme Harbor Management Commission. This ordinance shall be subordinate to all existing federal and state statutes and regulations affecting the East Lyme Harbor Management Area, and is not intended to preempt any other valid laws.

b. Invalidity of Provisions
Should any provision or provisions of this ordinance be held invalid or inoperative, the remainder shall continue in full force and effect.
c. Authorities and Enforcement
The East Lyme Harbor Master or his designee, under the direction of the East Lyme Harbor Management Commission, shall have the authority to carry out harbor management directives and enforce all provisions of the Harbor Management Plan, including this ordinance.

The Harbor Master or his designee may cite any alleged violators of this ordinance.

Any police officer or constable of the Town of East Lyme shall have authority to enforce the provisions of this ordinance.

d. Violations and Penalties

Any person who violates any section of this ordinance in any portion of the Harbor Management Area shall be liable to a fine of $50.00 for each offense. Each day that a violation continues after seven (7) days following notification of the offending party or, if the offending party is not known, after notice has been posted for that time on any vessel, mooring tackle or other object that is the cause of the violation, shall be considered a separate offense. The provisions of this section are in addition to and do not supersede any penalties resulting from simultaneous violations of state or federal laws.

Fines levied under the provisions of this ordinance shall be collected by the Town of East Lyme and deposited into the East Lyme Harbor Management Account (See section 4.e.)

Any violation of the provisions of this ordinance relating to mooring permits may result in revocation of the mooring permit by majority vote of the Harbor Mangement Commission at a duly held meeting after written notice of the time, place and purpose of such meeting has been given to the permit owner at his or her residence address more than fifteen (15) days before such meeting. At such meeting, the permit owner shall be heard and shall be permitted to present evidence to the Commission. A vote of the Commissin to revoke a mooring permit shall be subject to an appeal to the Superior Court for the Judicial District of New London by trial de novo within sixty (60) days after the permit owner receives notice of the vote of the Commission to revoke his or her permit. If no appeal is filed within said sixty (60) days period, the permit shall be revoked and the Harbor Master may thereafter cause such mooring to be removed from its location.

e. Harbor Management Account

A Harbor Management Account is hereby created in the Town's General Fund to receive and expend monies for harbor management purposes determined by the Harbor Management Commission. All revenues generated by (1) mooring permits (2) fines levied under the provisions of this Harbor Management Ordinance as it applies to the Harbor Management Area and (3) fees generated by designation of oyster, clam and shellfish beds pursuant to Connecticut General Statutes, Section 26-240 et seq., shall be deposited into this account. Other funds generated or allocated specifically for harbor management shall also be deposited in this account. Funds shall be disbursed for purposes directly associated with the management of East Lyme's Harbor Management Area and implementation of the East Lyme Harbor Management Plan. Monies from this account may be allocated to the Harbor Master or his designee for the purpose of carrying out the provisions of the East Lyme Harbor Management Plan and/or the Harbor Management Ordinance.

f. Compensation of Harbor Personnel

The Harbor Master, Deputy Harbor Master and administrative personnel may receive compensation to be determined by the Harbor Management Commission. Additionally, monies from the Harbor Management Account may be used to reimburse the Harbor Master, Deputy Harbor Master and administrative personnel for necessary expenses incurred in the performance of their duties. Monies from this account may also be used to compensate contractors hired to perform work as may be deemed necessary by the Harbor Management Commission or the Harbor Master.

g. Coordination with Other Governmental Laws and Regulations

Nothing hereon contained shall bar or prevent the Harbor Master or Deputy Harbor Master from performing those duties which have been assigned to them under the General Statutes of the state.

SECTION 5. USE OF THE HARBOR MANAGEMENT AREA

a. Vessel Speed and Wake

The operation of any vessel, including personal watercraft, within the East Lyme Harbor Management Area shall proceed in a manner which protects all persons and property from any damage caused by a wake.

In no event shall any vessel under power exceed a speed limit of 6 mph within: 1) the federal navigation channel; 2) 200 feet of shore in the Upper Niantic River north of the federal navigation channel; 3) the Pattagansett River Estuary Restricted Speed Area as marked by state speed limit signs; and 4) 100 feet of shore or any dock, pier, float or anchored or moored vessel in any other part of the Harbor Management Area.

b. Obstruction of Channels, Fairways and Berthing Space

No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of any channel, fairway or berthing space within the Harbor Management Area.

c. Swimming and Underwater Diving

Swimming and underwater diving are prohibited in all designated channels except in an emergency or for inspection purposes.

d. Fishing

Fishing from vessels and shellfishing shall not occur in any designated channels, fairways and anchorages in a manner that poses a hazard to navigation. The placement of lobster pot floats and fixed fishing nets is prohibited in all channels marked by U.S. Coast Guard channel markers, within any fairway as designated in the Harbor Management Plan and within any mooring area designated in the Harbor Management Plan.

e. Waterskiing

Waterskiing is prohibited in all designated channels, and in anchorages and mooring areas in the Harbor Management Area when vessels are anchored or moored therein.

Waterskiing is prohibited within 200 feet of shore in the Upper Niantic River north of the federal navigation channel, within the Pattagansett River Restricted Speed Area as marked by state speed limit signs and within 100 feet of shore or any dock, pier, float or anchored or moored vessel in any other part of the Harbor Management Area.

f. Personal Watercraft

Use of personal watercraft shall be in accordance with all applicable statutes and regulations concerning the operation of vessels.

Use of personal watercraft is prohibited in all designated channels except as necessary to reach personal watercraft activity areas, and within designated anchorages and mooring areas when vessels are anchored or moored therein.

g. Board Sailing

Board sailing is prohibited within designated channels, anchorages and mooring areas except as necessary to cross a designated channel, anchorage or mooring area in a manner that does not pose a hazard or inconvenience to navigation.

h. Public Docks and Boat Launch Ramps

The use of any public dock and boat launch ramps shall be in accordance with rules and regulations established by the Harbor Management Commission.

No vessel shall remain at a public dock or boat launch ramp for a period longer than the time limit posted at the dock. If a vessel is left unattended for a period of time in violation of the posted limit, then the vessel's owner of record shall be held responsible.

i. Use of Vessels as Abodes or Floating Homes

The use of any vessel in the East Lyme Harbor Management Area as an abode or floating home is prohibited. Sleeping aboard vessels on a temporary basis is allowed as a secondary use to the vessel's principal recreational or commercial use.

j. Identification of Vessels

All vessels moored, or tied up to wharves, piers, or docks in the Harbor Management Area, except those on temporary call, shall maintain identification legible without boarding the vessel, in one of the following forms:

(1) Federal or state registry number as reported to the Harbor Master or Deputy Harbor Master.

(2) A boat name reported to the Harbor Master or Deputy Harbor Master.

(3) The name and address or telephone number of the owner.

k. Derelict or Abandoned Vessels and Structures

No vessel, mooring, mooring float or other object within the Harbor Management Area shall be abandoned or sunk or placed where it may constitute a danger to navigation or to the safety of persons or property or where it may prevent optimum use of the area. Any vessel, mooring tackle, or other object abandoned or sunk or so placed may be removed or relocated by direction of the Harbor Master, if corrective action is not taken by the owner, if known, within seven (7) days after notification, or, if not known, after notice has been posted for that period on the vessel, mooring, or object. Nothing herein contained shall prevent the Harbor Master or Deputy Harbor Master from taking measures with or without notice, if, in their judgment, it is necessary in order to provide for the safety of persons or property. The expense of such removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the owner.

SECTION 6. MOORING AND ANCHORING VESSELS

a. Mooring Permits Required

(1) In order to provide for adequate access for vessels, for the safety of persons and property and for the optimum use of the Town's Harbor Management Area, the Harbor Master must approve the location of all moorings within the East Lyme Harbor Management Area. The Harbor Master shall issue a permit for each approved location. It shall be a violation of this ordinance for any person to place any individual/private or commercial mooring in the Harbor Management Area without a permit from the Harbor Master.

(2) No provision contained in this section shall limit the powers of the Harbor Master to station and remove vessels as provided in Sections 15-8 and 15-9, and Section 22a-113r of the Connecticut General Statutes.

b. Mooring Records

(1) The Harbor Master shall keep a detailed record of each mooring, its location, and the owner's name, resident and business address, telephone number, date mooring was set, and name, length, registration number or documentation, and type of vessel to be attached thereto.

(2) The Harbor Master shall maintain in a public place a waiting list for mooring space in the Harbor Management Area, as necessary, and a list for assignment of mooring space, and these lists shall be updated annually or at any more frequent interval that may be appropriate.

c. Allocation of Moorings

(1) The Harbor Master shall establish and post in a public place, an allocation procedure and priority list for moorings in the Harbor Management Area.

(2) In allocating mooring locations, the Harbor Master shall give first priority to those persons applying for the renewal of permits granted in the preceding year, second priority to relocation requests in order of application, and third priority to new applicants in order of application.

(3) In allocating mooring locations, the Harbor Master shall, to the extent possible, assign priority for mooring allocations to shorefront property owners who apply for moorings offshore of their property.

(4) In allocating mooring locations, the Harbor Master shall give consideration to size, draft, and type and use of vessels, including use for commercial purposes.

(5) Within the limits of type and size of vessels, available mooring locations shall be offered to the senior applicant on the mooring waiting list, subject to the requirements of this Ordinance. If an available mooring location is not suitable to accomodate the senior applicant's vessel or specific needs, it shall be offered to the next senior qualified applicant. The senior applicant shall retain his place on the waiting list in this case. The Harbor Master shall continue efforts to provide a suitable mooring location for the senior applicant. If the senior applicant refuses a mooring location which is suitable for his vessel in the opinion of the Harbor Master, that applicant shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of mooring areas, lists of applicants will be maintained to include date of application and type or size of vessel. These lists will be available for public inspection at a public place during regular office hours.

(6) No one individual shall be allocated more than one mooring location and no one household, partnership, or corporation shall be allocated more than two mooring locations without annual written permission from the Harbor Management Commission. Only one mooring space shall be allocated to any one vessel.

(7) Mooring permits shall be issued by the Harbor Master only to those applicants owning a vessel properly registered in accordance with laws of the State of Connecticut.

d. Application for Mooring Permit

(1) Any person, including associations, corporations, or other group, may apply for a mooring permit by completing in full the application provided for that purpose and submitting the completed application to the Harbor Master.

(2) The Harbor Master shall accept applications for approval or renewal of moorings at any time.

e. Mooring Permits Valid for One Year Only

Mooring permits are valid for a period not to exceed one year unless renewed in accordance with the provisions of this ordinance. The permit expiration date shall be entered on the permit.

f. Renewal of Mooring Permits

All renewal applications shall be due on or before March 1, of each calendar year so as to allocate new mooring locations in unrenewed locations. At least thirty days before the renewal due date, notice of such date shall be published in a newspaper having circulation in the town.

g. Annual Mooring Permit Fee

All applications for a new mooring permit or renewal of an existing permit shall be accompanied by an appropriate fee as may be established by the Harbor Management Commission and adopted by the Board of Selectmen. All applications for renewal of moorings shall be accompanied by the appropriate fee, payable to the Town of East Lyme, before the application shall be processed. In the event an application is not

approved or the applicant is placed on a waiting list, the fee shall be returned to the applicant within ten days after notice of denial of such application or placement on a waiting list. New applications may be charged at the time they are granted permission for a mooring. Any fee collected pursuant to this section shall be deposited in the Town's Harbor Management Fund and shall be used exclusively for purposes directly associated with management of the East Lyme Harbor Management Area.

h. Mooring Permits Non-Transferable

(1) No transferable rights shall be conferred as the result of the approval of a mooring location. Whenever the holder of a mooring permit transfers the title or interest in or otherwise parts with possession of the vessel identified in the mooring permit to another person by any arrangement whatsoever, the mooring permit shall expire. The new possessor, transferee or owner shall have no right to use the mooring space covered by the mooring permit.

(2) The original holder of the mooring permit may, upon written application to and approval by the Harbor Master, retain the mooring space assigned under the mooring permit provided that another vessel owned by the permittee is moved onto the mooring within thirty (30) days (unless the period is extended by the Harbor Master because of special circumstances such as seasonal constraints). If the replacement vessel is significantly smaller, larger or of different draft or type, the Harbor Master shall have the right to relocate the vessel to another, more suitable mooring if one is available.

i. Mooring Locations

(1) Vessels may be moored within the East Lyme Harbor Management Area in designated mooring areas as established by the Harbor Management Commission and identified in the Harbor Management Plan; and other safe and suitable locations. No mooring permits shall be granted for areas in which mooring is prohibited by the Harbor Mangement Plan, and all permits granted shall be consistent with all provisions of the Harbor Management Plan.

(2) Moorings shall under no circumstances interfere with the free use of channels or fairways.

j. Mooring Placement

When an applicant has been registered for a mooring within the Town's Harbor Management Area, the Harbor Master shall assign a specific location. No moorings shall be placed or maintained in any portion of the Harbor Management Area until the location of such mooring shall have been approved by the Harbor Master or Deputy Harbor Master.

k. Transient Anchoring

(1) The Harbor Management Commission may designate transient anchorage areas free from the placement of any moorings. These areas, reserved for the exclusive, short-term use of recreational vessels shall be available on a first-come, first-served basis for a period not to exceed seven consecutive days.

(2) The Harbor Master may require any person anchoring in the Harbor Management Area to display for inspection for anchors, chains and other equipment used at such anchoring for soundness of condition.

l. Abandonment of Mooring

(1) Any mooring not used in a calendar year may be considered abandoned and subject to removal or relocation. No mooring may be left unused for more than one calendar year without written permission of the Harbor Management Commission.

(2) Any registered owner who owns mooring tackle and is abandoning their mooring space may offer to sell the tackle occupying such space to the next person assigned that space. Failure of the registered owner to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbor Master at the expense of such registered owner.

m. Secure Berthing and Anchoring of Vessels

(1) The owner of any vessel moored or anchored within the Harbor Management Area shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall thereafter provide for periodic inspection as the Harbor Master deems necessary. Each vessel owner is deemed to be the owner of the mooring tackle he uses.

(2) utilization of proper mooring tackle is necessary to secure vessels adequately at their moorings. Recommended guidelines for mooring tackle may be provided by the Harbor Management Commission but these guidelines shall be advisory only. Storms, wind, waves, tides, currents and wash must be considered when selecting appropriate mooring tackle. Each person mooring a vessel within the East Lyme Harbor Management Areas is responsible for any damage to that vessel or to any other vessel or property caused by the failure of the mooring tackle used to secure that vessel.

n. Mooring Inspection

(1) The Harbor Master may require that all new moorings, anchors, chains, and other equipment used in connection with such moorings in the Harbor Management Area shall be submitted to the Harbor Master or to an inspector so designated by the Harbor Master or Harbor Management Commission for inspection to determine soundness of condition.

(2) No more than once each calendar year the Harbor Master may require any person who holds a mooring permit in the Harbor Management Area to display for inspection the anchor, chains, and other equipment used at such mooring for soundness of condition. Each mooring shall be subject to inspection by the Harbor Master at the discretion of the Harbor Master. A list of mooring inspection services shall be made available to the mooring permit holder by the Harbor Master. An official inspection form shall be filed with the Harbor Master by the owner once every three years.

(3) The Harbor Master shall maintan a record of each inspection for a period of three years. If, as the result of such inspection it shall be determined that any chain, shackle, swivel or other piece of mooring tackle has become unsafe or otherwise inadequate, all such chain, shackle, swivel or other piece of mooring tackle shall be replaced accordingly. Failure to make such replacement shall be grounds for revocation of the mooring permit by the Harbor Master.

o. Identification of Approved Moorings

The Harbor Master shall establish and maintain reasonable standards for the marking of mooring buoys of all approved moorings in the Harbor Management Area. Notice of such standards shall be provided in writing to all owners of mooring permits at their record resident address.

p. Removal of Moorings

(1) The Harbor Master may require any mooring or vessel to be moved to a new location whenever, in his judgment, the safety of any other vessels or optimum use of the mooring area so requires.

(2) If directions given by the Harbor Master with respect to removing unauthorized moorings, changing the location of existing moorings for the purpose of ensuring safety and optimum use of the mooring area or replacing mooring tackle determined to be inadequate are not taken by the owner, if known, within fourteen (14) days after notification,or, if not known, after notice has been posted for that period on the vessel or mooring, the Harbor Master may cause such moorings to be removed or changed or may drop the same to the bottom. Nothing herein contained shall prevent the Harbor Master or his designee from taking measures with or without notice, if, in his judgment, it is necessary in order to provide for the safety of persons or property. The expense of such mooring removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the mooring permit holder.

q. Designation of Channels or Fairways to be Kept Free of Moorings

For the purpose of this section, and in order to provide safe navigation access to all parts of the Harbor Management Area, the Harbor Management Commission, with the advice of the Harbor Master, is empowered to designate the location of channels or fairways within which approved moorings shall not be located, and to make changes in such designations where conditions or needs require. These channels or fairways shall be identified in the Harbor Management Plan.

R. Suspension of Requirements and Imposition of Emergency Requirements

In order to most effectively respond to any emergency as may be caused by a severe storm or other natural or man-made conditions, the Harbor Master is empowered to suspend the requirements of this section and/or impose additional requirements in the interest of public safety.

SECTION 7. MARINE SANITATION

a. Littering and Discharge of Pollutants Prohibited

No person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the Harbor Management Area any litter or other materials, including but not limited to, any refuse or waste matter, sewage petroleum products or by-products, paint, varnish, dead animals or debris of any kind which renders the waters unsightly, noxious, unwholesome or otherwise detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes. The provisions of Section 22a-250 of the Connecticut General Statutes shall be strictly enforced with respect to discharge of refuse.

b. Marine Toilets

No person shall operate a marine toilet at any time so as to cause or permit to pass or be discharged into the Harbor Management Area any untreated sewage or other waste matter or contaminant of any kind. Any discharge shall be in compliance with current federal standards concerning Marine Sanitary Discharge and state and Town Health Code regulations. The provisions of Sections 15-170 through 15-175 of the Connecticut General Statutes shall be strictly enforced with respect to marine toilets.

c. Responsibility for Sanitation of Facilities

The owner, lessee, agent, manager or person in charge of any waterfront development or facility adjacent to the Harbor Management Area shall at all times, maintain the premises under his charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste materials.

ARTICLE II: HARBOR MANAGEMENT COMMISSION

SECTION 8. ESTABLISHMENT, JURISDICTION AND MEMBERSHIP

a. Establishment of the Harbor Management Commission

There is constituted a seven-member Harbor Management Commission which shall have the powers and duties conferred on such commissions by Chapter 444a of the Connecticut General Statutes, Revision of 1958, as amended, and the Harbor Management Commission is designated as the East Lyme Shellfish Commission and shall further have all of the authority and responsbility granted to local shellfish commissions by Chapter 492 of the Connecticut General Statutes, Revision of 1958, as amended, except to the extent that the Waterford-East Lyme Shellfish Commission has been granted powers and duties by Section 26-287 of said statutes.

b. Jurisdiction

The Commission shall have jurisdiction over the navigable waters as defined in subsection (b) of Section 15-3a of said Statutes, within the East Lyme Harbor Management Area as defined in Section 2 of this ordinance. The Commission shall also have charge of all the shellfisheries and shellfish grounds lying in the town not granted to the Waterford-East Lyme Shellfish Commission by Section 26-287 of the Connecticut General Statutes, Revision of 1958, as amended, and not under the jurisdiction of the commissioner of agriculture, including all river, inland waters and flats adjacent to all beaches and waters within the limits and marine bounds (below the mean high water line) of the Town.

c. Membership and Terms of Service

The members of the Harbor Management Commission shall be appointed by the Board of Selectmen, four for terms to expire on the first Monday of January, 1988, and three for terms to expire on the first Monday of January, 1990. Upon expiration of each of the initial terms, appointment shall be made to fill such terms for four years. Vacancies shall be filled by the Board of Selectmen in accordance with Chapter 4 of the Charter. The Harbor Master shall be a non-voting ex-officio member of the Commission, and if there shall be a vacancy in the office of the Harbor Master, the Deputy Harbor Master shall so serve until the vacancy is filled.

SECTION 9. POWERS, DUTIES AND RESPONSIBILITIES

a. Rules and Regulations

The Commission shall adopt and publish such rules and regulations as may be required to implement its responsbilities as herein provided.

(1) Prior to adopting any such rules and regulations, the Commission shall conduct a public hearing for the purpose of considering their adoption. Notice of the time and place of such public hearing, which notice shall include the title and summary of the rules or regulations proposed, shall be published twice in a local newspaper having substantial circulation in the Town of East Lyme at least five (5) days, but not more than fifteen (15) days, prior to the date of said hearing. A copy of the full text of the proposed regulation or rules shall be filed in the Office of the Town Clerk for public inspection at least ten (10) days prior to such hearing.

(2) Following such public hearing, the Commission shall act upon such rules and may make such changes or alterations in the form or content of the proposed rules or regulations as seen appropriate or necessary as a result of the public hearing held in connection therewith. Such changes, additions or alterations shall not require further public notice.

(3) Such rules, if adopted by the Commission and after approval by the Board of Selectmen of the Town of East Lyme, shall become effective after publication once in a local newspaper having substantial circulation in the Town of East Lyme within twenty-one (21) days following Board of Selectmen approval.

b. Harbor Management Plan

The Harbor Management Commission shall implement the East Lyme Harbor Management Plan as adopted by the Harbor Management Commission and Board of Selectmen effective as of May 4, 1994, and approved by the State of Connecticut in accordance with Section 22a-113m of the Connecticut General Statutes. The Commission shall provide for review of the Plan and shall make any additions and/or modifications to the Plan that may be deemed appropriate subject to the process set forth in Sections 22a-113m through 22a-113o of the Connecticut General Statutes or other subsequent harbor management legislation enacted by the Connecticut General Assembly.

c. Harbor Management Ordinance

The commission shall review Town ordinances affecting harbor management and recommend any necessary changes. The Commission shall submit the ordinances required to implement the plan to the Board of Selectmen for adoption.

d. Review of Development Proposals

The Commission shall have the authority to review and make recommendations on proposals affecting real property in and contiguous to the Town's Harbor Management Area as submitted to or proposed by any commission or department of the Town.

d. Operating Budget

The Commission shall prepare and present to the Board of Selectmen an annual operating budget. The operating budget shall include a section reflecting estimated revenues and a section covering requested expenses by project or activity.

SECTION 10. CONSULTATION AND COORDINATION WITH OTHER TOWN BOARDS AND COMMISSIONS

a. Harbor Management Plan Consistency Review

A Town "Harbor Management Consistency Review" process shall be carried out by the Harbor Management Commission to ensure effective implementation of the Harbor Management Plan and to provide coordinated, efficient and comprehensive review of the proposed projects and activities affecting the Harbor Management Area.

b. Coordinating With Other Town Boards and Commissions

As authorized by Section 22a-113p of the Connecticut General Statutes, the Harbor Management Commission may review, and make recommendations consistent with the Harbor Management Plan, on any proposal affecting the real property on, in or contiguous to the Harbor Management Area as submitted to, or proposed by, all other Town commissions and departments, including, but not limited to:

Planning Commission
Zoning Commission

Zoning Board of Appeals
Water and Sewer Commission
Department of Public Works
Parks & Recreation Commission
Economic Development Commission
Conservation Commission

c. Proposals Subject to Consistency Review

The Harbor Management Commission may review for consistency with the Harbor Management Plan: 1) all development proposals subject to the Town's Coastal Site Plan Review process and located on parcels contiguous to the Harbor Management Area, with the exception of one- and two-family dwellings; 2) all proposed uses or activities occurring below the Mean High Water Line; and (3) all proposed revisions and amendments to Town plans, rules and regulations affecting the Harbor Management Area and lands contiguous to the Harbor Management Area, including, but not limited to, proposed revisions and amendments to the Zoning Regulations and Plan of Development, regulations for use of the Town beaches and boat launching facilities, and regulations governing tidal wetlands and flood and erosion control.

d. Referral Schedule

The town boards and commissions identified in subsection b above shall send to the Harbor Management Commission a copy of any proposal subject to the Harbor Management Consistency Review process at the request of the Commission. The Commission shall be notified of any such proposal at least thirty-five (35) days prior to the commencement of any hearings thereon or, where no hearing is held, at leasty thirty-five (35) days prior to the taking of any final action on the proposal.

e. Determination of Consistency

The Harbor Management Commission shall determine the consistency of proposed projects with the Harbor Management Plan and make recommendations to the appropriate board or commission. The local agency authorized to act on the proposal shall consider the recommendations of the Commission. A two-thirds vote of all the members of the local agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the Commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the Commission to submit a recommendation shall be deemed to be approval of the proposal.

SECTION 11. PRIOR ORDINANCES RESCINDED AND EFFECTIVE DATE

a. All prior ordinances relating to the East Lyme Harbor Management Commission and the East Lyme Shellfish Commission are hereby rescinded.

b. This ordinance shall become effective ten (10) days after publication, except Section 6 which shall be effective on January 1, 1995.

Effective May 4, 1994, Section 6 January 1, 1995
TM Volume 20, page 144

WATER MAIN EXTENSION ORDINANCE NO. 12

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme water system pursuant to the ordinance entitled "Water Assessment Ordinance".

NOW THEREFORE, in accordance with that recommendation, the system is extended in a general northerly direction in and along North Bride Brook Road from the present terminus of the town's water system in North Bride Brook Road for a distance of 9,600 feet, more or less, to a point where North Bride Brook Road intersects with the Boston Post Road.

AND FURTHER, in order to finance in part the cost of the extension of the town's water system into said extension area:

1. The following assessments are levied on owners of property abutting the North Bride Brook Road within said extension area, provided that each of such properties can be supplied with water service of at least 45 pounds per square inch at the curb line. The term "owner of property" shall mean each person having a property interest in the premises as disclosed by the East Lyme land records:

For each such property containing not more than one single-family dwelling requiring for adequate service a one-inch pipe from the main $ 1500.00

For each such property requiring for adequate service a one and one-half inch pipe from the main $1800.00

For each such property requiring for adequate service a two-inch pipe from the main $ 2100.00

For each such property requiring for adequate service a four-inch pipe from the main $2850.00

For each such property requiring for adequate service a six-inch pipe from the main $3850.00

For each such property requiring for adequate service an eight-inch pipe from the main $4850.00

2. The Water and Sewer Commission shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.

3. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled "Water Assessment Ordinance".

4. Assessments of properties shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the Town.

5. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at the rate of five percent (5% per annum, as follows:

(a) Ten percent (10%) of the total amount of the assessment shall be payable within thirty (30) days after a statement for said amount is mailed

to the owners of the property by the Water and Sewer Commission. Interest on the unpaid balance of the total amount of the assessment, at the rate described above, shall commence to run at the expiration of said thirty-day period.

(b) The remaining ninety percent (90%) of the total amount of the assessment shall be paid in nine (9) equal installments. Said installments, together with interest at the rate described above, shall be payable annually, commencing one year after the installment described in subparagraph (a) of this paragraph is payable.

(c) Notwithstanding the provisions of subparagraphs (a) and (b) of this paragraph, the balance of the total amount of the assessment, together with accumulated interest, shall be due and payable upon a conveyance, assigment or other transfer of all or a portion of the property assessed. Transactions exempt from this provision shall be those in which the consideration for the interest being conveyed, assigned or otherwise transferred does not exceed one hundred dollars ($100), and those transactions designated as exempt from the imposition of the Connecticut real estate conveyance tax, more particularly described in Section 12-498 of the Connecticut General Statutes.

(d) If any such installment is not paid when due, interest on such unpaid installment shall be at the rate of interest for delinquent real property taxes, notwithstanding the description of the interest rate set forth in paragraph 5 above.

6. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme land records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

7. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Section 12-107a to 12-107e inclusive, of the General Statutes as farm land, forest land or open space, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations applicable thereto, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

8. In addition to the foregoing assessment, there shall be imposed on the owners of property in said extension area:

(a) When an additional connection to the water main in made to property previously assessed, a charge in an amount equal to the assessment described in paragraph 1 hereof.

(b) When property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set forth in paragraph a hereof for the larger pipe actually required..

(c) When a connection to the water main is made to property which was not previously assessed, or which was not previously assessed by virtue of an order of the Water Assessment Board of Appeals, a charge shall be imposed on the owners of such property in an amount equal to the assessment described in paragraph 1 hereof.

(d) If any charges are imposed in accordance with the provisions of subparagraphs (a) or (b) of this paragraph, they shall be payable in full upon completion of the connection to the water main. If any charges are imposed in accordance with the provisions of subsection (c) of this paragraph, they shall be paid, together with the interest at the rate set forth in paragraph 5 above, in ten equal installments, the first such installment to be payable within thirty (30) days after a statement for said amount is mailed to the owners of such property by the Water and Sewer Commission. The remaining installments shall be payable annually, commencing one year after the first installment is payable. Said payments shall be subject to the provisions of subparagraphs (c) and (d) of paragraph 5 hereof.

9. Charges for connections to said extension shall be determined in accordance with the ordinance entitled “Ordinance Concerning Water Connection Charges”.

10. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

This ordinance shall become effective ten days after publication of the notice of effective date.

Sept. 7, 1994 TM Vol 20 Page 194

ORDINANCE DIVIDING THE TOWN INTO THREE VOTING DISTRICTS AND PROVIDING FOR REGISTRARS OF VOTERS

1. The Town of East Lyme is divided into three voting districts.

2. The first voting district comprises all the area lying northwest of U.S. Route I-95 (the Connecticut Turnpike).

3. The second voting district comprises:

A. All the area lying southeast of U.S. Route I-95 and east and southeast of the following line: Commencing at the intersection of the center line of Route 161 with the southeasterly line of U.S. Route I-95, thence run southerly along the center line of Route 161 to the center line of East Pattagansett Road, thence run southerly along the center line of East Pattagansett Road to the center line of Black Point Road, thence run southerly, southwesterly, and southerly along the center line of Black Point Road to its intersection with the railroad; thence run westerly along the railroad to its intersection with the easterly shore of the Pattagansett River; thence run generally southerly along the easterly shore of the Pattagansett River to the most southerly point of Old Black Point.

B. All properties having street numbers assigned by the Town on:

(1) the portion of Route 161 lying south of U.S. Route I-95;

(2) East Pattagansett Road;

(3) Black Point Road to its intersection with the railroad;

(4) Brook Road;

(5) Faulkner Drive;

(6) McElaney Drive;

C. The property on which is located Niantic Center School.

4. The third voting district comprises all the area not included in the first or second voting districts.

5. At each state election, there shall be elected two registrars of voters for the entire Town.

6. The ordinance entitled "Ordinance Modifying Voting Districts" which became effective August 1, 1973, and the ordinance entitled "Ordinance Dividing The Town Into Voting Districts And Providing for Registrars of Voters" which was enacted on March 23, 1974 are repealed.

January 18, 1995 TM Volume 21, page 2

AN ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE AND PROVIDING FOR A SYSTEM OF REFUSE COLLECTION AND DISPOSAL AND THE ADMINISTRATION THEREOF

Section 1. Declaration of Policy.

The accumulation, collection, removal and disposal of Refuse must be controlled by the Town for the protection of the public health, safety, and welfare. It is consequently found and declared that:

(a) the Town is authorized by law to provide for or regulate the collection and disposal of Refuse;

(b) the Town has a substantial interest in and responsibility for protecting the health and safety of its inhabitants by regulating the collection and disposal of such Refuse; and

(c) the expense of such regulation is substantial and can best be borne, in the case of commercial, industrial and condominium owners, by those owners and by the Refuse Collectors who service them; and

(d) the enactment of this ordinance is in furtherance of the Town's approved Solid Waste Management Plan.

Section 2. Definitions.

The following terms shall have the following meanings:

(a) "Bulky Wastes" means noncombustible construction debris, street sweepings, and oversized bulky items including, but not limited to, discarded appliances and tree stumps, logs and branches.

(b) "Commercial Food Refuse" shall include waste from the preparation, cooking and consumption of food, condemned food products and all Refuse from the handling, storage, preparation and sale of produce originating primarily in commercial kitchens, stores, restaurants, food markets and factories.

(c) "Director" shall mean the Director of Public Works of the Town.

(d) "Hazardous Wastes" mean solid and liquid wastes in the following classifications:

(i) explosives;

(ii) pathogenic or pathological wastes;

(iii) radioactive wastes;

(iv) medical wastes.

(e) "Recyclable Materials" means materials which have been so designated by the Director of by a regulation of the Board of Selectmen.

(f) "Refuse" means unwanted and discarded solid materials, but does not include:

(i) liquid wastes including, but not limited to semisolid, liquid materials collected in a municipal sewage system or a septic system;
(ii) Bulky Wastes;
(iii) Hazardous Wastes;
any other material which may not be lawfully disposed of (in a sanitary landfill or a resources recovery facility; or
(v) Recyclable Materials.

(g) "Refuse Collectors" shall include any person, firm or corporation engaged in the business of collecting and transporting Refuse, including Recyclable Materials, for hire within the Town.

(h) “Town” means the Town of East Lyme.

Section 3. License Required for Refuse Collections.

All Refuse accumulated in the Town shall be collected, conveyed and disposed of by the Town or by persons licensed by the Town in accordance with Section 10 to perform such work. No other person shall collect, convey over any street or dispose of any Refuse in the Town, except that occupants of premises in the Town upon which Refuse has accumulated may personally collect, convey and dispose of such Refuse at such place or places as the Board of Selectmen or the Director may from time to time designate, subject to the obtaining of a private permit in accordance with Section 12. No Refuse which was not generated within the Town shall be disposed of in any such place.

Section 4. Refuse Containers.

(a) Provision for Containers. The owner of each premises where Refuse is generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such Refuse during the intervals between collections. Refuse containers shall be maintained in good condition, free of holes and fissures, and shall be equipped with securely-fitting covers.

(b) Containers for Commercial Food Refuse. Commercial Food Refuse shall be drained, free of liquids and placed in a watertight, vermin-proof galvanized or plastic receptacle, with a tight lid, of not over 30 gallon capacity. Refuse containers shall weigh not more than 50 pounds when full. The persons having custody or control of premises used for business purposes from which Refuse is offered for collection by the Town shall see that the same is placed at the side of the nearest public road not more than 2 hours before the scheduled time of collection for said road in such containers and bundles as are herein described, and in such manner that said containers and bundles do not constitute a travel or health hazard or nuisance of any sort, and after said containers have been emptied, shall be removed from the side of the road within 1 hour after the materials therein have been collected. Alternatively, Commercial Food Refuse containers may be large covered containers designed to be mechanically emptied into a Refuse truck where collection is to be by a Refuse Collector.

(c) Containers for Household Refuse. All Refuse set out for collection by the Town shall be placed in twenty (20) or thirty (30) gallon containers. Refuse containers shall weigh not more than 50 pounds when full and shall be free of handling hazards and of such quality as to prevent collapsing during handling and breakage due to cold weather. Solid waste from multifamily dwelling units may alternatively be placed in a large covered container designed to be mechanically emptied into a Refuse truck where collection is to be by a Refuse Collector.

(d) The Town shall not be obligated to collect any loose materials.

(e) Containers not conforming to the above requirements or which may be a travel or health hazard or nuisance may be left not emptied and the occupant of the premises notified.

Section 5. Location of Containers.

The persons having custody or control of residential premises from which Refuse is offered for collection shall see that the same is placed at the side of the nearest public road or in the case of privately-owned property where the Town by agreement makes

collections, at the side of a private road or driveway designated by the Director, not earlier than 12 hours before the scheduled time of collection for said road or driveway nor later than 7:00 a.m. on scheduled collection days, in such a manner that said containers and bundles do not constitute a travel or health hazard or nuisance, and after said containers have been emptied, shall be removed from the side of said road or driveway within 12 hours after the material therein has been collected.

All Refuse collected or transported within the Town of East Lyme shall be carried in tightly-covered vehicles, or in tightly-covered containers in or on such vehicles. Any Refuse which is collected or transported in open top vehicles shall be suitably covered so as to prevent scattering litter upon the streets. All vehicles used for the collection or transportation of Refuse within the town shall be subject to the approval of the Director or the Board of Selectmen.

Section 6. Storing of Refuse.

(a) Public Places. No person shall place any Refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Town, except in proper containers or otherwise properly prepared for collection or under express approval granted by the Director. No person shall throw or deposit any Refuse in any stream or other body of water.

(b) Accumulation of Refuse. Any uncontained accumulation of Refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any uncontained accumulation of Refuse within 2 days after written notice to remove same shall be deemed a violation of this ordinance.

(c) Scattering of Refuse. No person shall cast, place, sweep or deposit anywhere within the Town any Refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.

(d) Hazardous Wastes. It shall be unlawful for any person, firm or corporation to place Hazardous Wastes or similarly dangerous substances into any Refuse container, or to transport any such substance to any place designated for the disposal or delivery of Refuse or Bulky Waste.

Section 7. Bulky Waste.

Bulky Waste may not be collected or mixed with Refuse and shall be collected and transported as the Board of Selectmen or the Director may from time to time designate, and any applicable charge for disposal at an approved location with the Town shall be paid by the person delivering the waste.

Section 8. Disposal of Refuse.

(a) Each Refuse Collector who disposes of Refuse collected within the town at the Southeastern Connecticut Regional Resource Recovery Authority Facility (the SCRRRA Facility) in Preston, Connecticut shall, except as provided in paragraph (b) of this Section, pay the Town promptly when billed a per-ton fee to be set by the Board of Selectmen from time to time.

(b) The Town may, from time to time, in accordance with procedures set by the Board of Selectmen or the Director, offer for sale to licensed Refuse Collectors the right to dispose of Refuse collected within the Town at the SCRRRA Facility at a price and on terms set by the Board of Selectmen. Any Refuse Collector who purchases the right to dispose of Refuse pursuant to this paragraph (b) shall not be liable for payment

of any fee pursuant to paragraph (a) of this Section for any Refuse disposed of at the SCRRRA Facility of which the right to dispose was purchased pursuant to this paragraph (b).

Section 9. Source Separation and Recycling.

(a) Separation of Materials; Collection. Recyclable Materials for which collection service is provided by the Town shall be separated from Solid Waste and placed at the curb or other designated collection place for collection on the days designated by the Director. Recyclable materials for which collection service is not provided by the Town shall be separated from Solid Waste and disposed of at an appropriate facility.

(b) Separation at Dumpsters. Multifamily dwelling units and each commercial, industrial or other nonresidential entity not utilizing curbside collection shall provide, or shall require its Refuse Collector to provide separate dumpsters or other collection containers for Refuse and for all Recyclable Material accumulated on the premises. Containers shall be placed immediately adjacent to each other and labeled as to the material intended for each with stencilling in a prominent location.

(c) Methods of Separating and Packing. All Recyclable Materials for which collection service is provided by the Town shall be separated from Solid Waste and placed out for collection in the following manner:

(i) corrugated boxes and cardboard cartons shall be separated from other Refuse and shall be collapsed and tied in bundles weighing not more than thirty (30) pounds.

(ii) Newspapers and magazines shall be separated from other Refuse and placed out for collection separately. Newspapers and magazines shall be either tied securely in flat bundles weighing not over thirty (30) pounds or placed flat in paper bags. Newspapers and magazines not so bundled will not be collected.

(iii) Unbroken glass bottles and jars, and all types of metal food containers, including cans, trays and aluminum foil, shall be separated from other Refuse and combined in one or more upright containers (preferably plastic) used only for this category of Recyclable Material and containing no paper, or other Refuse. Containers for Recyclable Materials shall be supplied by the occupant and shall be marked with two decals, obtained from the Director, placed on opposite sides approximately halfway up the side of each container; provided that the Town may supply containers, in which event they shall be used unless other containers shall be approved by the Director.

(iv) Leaves shall be separated from other Refuse and may be placed out for collection during designated collection periods in degradable paper bags or in upright, rigid containers weighing not more than thirty (30) pounds when full. Leaves in plastic bags will not be collected. The Director shall determine and provide public notice of the schedule for collecting leaves.

Section 10. Licensing of Refuse Collectors; Registration of Vehicles.

(a) Licensing Authority Designated. The Director shall be the licensing authority for Refuse Collectors, and the registering authority for vehicles and containers. The Director shall grant a license within a reasonable time following the filing of proper application and payment of the prescribed fee unless the Director finds one or more of the following conditions to prevail:

(i) The applicant has been irresponsible in the conduct of Refuse collection and hauling operations within the Town.

(ii) The applicant lacks suitable equipment with which to collect Refuse in a safe and nuisance-free manner and in compliance with this ordinance.

(iii) The applicant or the Refuse Collector to which it is the successor was previously licensed and its license was revoked in accordance with this ordinance.

(b) License Required. Each Refuse Collector shall annually, on or before July 1, apply for a license from the Director on such form as the Director shall prescribe to engage in the business of Refuse collection in the Town.

(c) Registration of Vehicles, Containers. Each licensed Refuse Collector shall obtain a separate registration for each vehicle it operates within the Town. When a vehicle is employed to transport more than one container, each container to be transported shall require a registration. Registrations shall not be transferable from vehicle to vehicle nor container to container; however, the director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually registered vehicle.

(d) License Term; Fee; Renewal. All licenses shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year. The license fee shall be established by the Board of Selectmen by regulation from time to time.

(e) Display of License. The license issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.

(f) Identification of Vehicles and Containers. Each licensee shall prominently display at all times on each registered vehicle or container in letters at least four (4) inches in height its name, license number and telephone number.

(g) Licenses Nontransferable. Licenses are not transferable. When any licensee shall sell, transfer, all or part of its route to any Refuse collector not licensed in the Town, it shall at least seven (7) days before the date of sale or transfer notify the Director, in writing, of its intent to sell and the transferee shall, at the same time, make application for a license to operate in the Town.

(h) Routes Serviced. As a prerequisite to the issuance or renewal of any license, the Refuse Collector must, during the month of June, furnish to the Director the geographical routes within the Town that such Refuse Collector services or intends to service.

Section 11. Refusal, Revocation or Suspension of License.

(a) General. Failure to comply with the provisions of this ordinance or any regulation or directive issued by the Board of Selectmen or the Director pursuant to this ordinance or any such regulation shall be a grounds for refusal, revocation or

suspension of a license in addition to any other penalty imposed by this ordinance or any other law.

(b) Notice Required. Refusal, revocation or suspension shall only become effective five (5) calendar days after receipt of written notice from the Director.

(c) Request for Review; Filing; Effect of Failure to File. If a Refuse Collector objects to the Director's action described in Paragraph (b) above to refuse, revoke or suspend its license, it may within five (5) calendar days of receipt of said notice, file a written request for review with the First Selectman. Failure to timely file such request for review shall make the Director's action final and binding upon the collector.

(d) Request for review; Effect of Timely Filing. Timely filing of such request for review shall operate as an automatic stay of the Director's action.

(e) Special Appeals Board; Hearing. The First Selectman shall appoint forthwith a special appeals board consisting of two (2) electors of the Town and (2) licensed Refuse Collectors and a member of the Board of Selectmen, and said board shall then within fifteen (15) days hear and decide the matter. Such hearing shall be private except, however, that such hearing may be public if so requested, in writing, by the Refuse Collector. The decision of said board shall be final and binding upon the collector.

(f) Names, Addresses of Customers to be furnished Upon Revocation or Suspension. Whenever a Collector's license is refused, revoked or suspended, it shall furnish the Director within twenty-four (24) hours the names and addresses of its customers.

Section 12. Licensing Private Individuals to Dispose of Their Own Refuse.

Occupants of premises in the Town must apply to the Director for a permit, to be able to dispose of Refuse accumulated on such premises. A permit may be obtained from the Director by applying on such form as the Director shall prescribe. The permit shall be displayed in such manner as the Director shall prescribe. Such permit may be revoked or suspended for the reasons and in the manner prescribed for commercial licenses, and appeals therefrom may be taken in the same manner.

Section 13. Administration; Promulgation of Rules and Regulations.

(a) Director Responsible. The Director shall administer the licensing of any Refuse Collector engaged in the collecting and transporting of Refuse in the Town.

(b) Insurance. The Director shall, when considering an application for a Refuse Collector license, including renewal, ascertain that the applicant has adequate liability insurance.

(c) Additional Rules. The Board of Selectmen may promulgate regulations and the Director may promulgate additional rules on all collection and disposal procedures from time to time as are deemed proper, but such rules shall not be inconsistent with this ordinance.

Section 14. Refuse Collector's Responsibilities and Obligations.

(a) Each Refuse Collector shall pay all charges imposed by Section 8, all charges for Disposal Rights awarded to the Refuse Collector or assigned to the Refuse Collector pursuant to this ordinance or Regulations adopted pursuant thereto, and the

license fee imposed by Section 10, and shall comply with all other requirements of this ordinance and such regulations.

(b) Recyclable Materials. Each Refuse Collector shall collect Recyclable Materials from each of its customers in the manner specified in this ordinance. Any Refuse Collector who has reason to believe that a person from whom it collects Solid Waste has discarded Recyclable Material with such Solid Waste in violation of this ordinance shall promptly notify the Director of the alleged violation. Upon the request of the Director, a Collector shall provide a warning notice, by tag or other means, to any person suspected by the collector or the Director of violating separation requirements. A Collector shall also assist the Town to identify any person responsible for creating loads containing significant quantities of Recyclable Materials mixed with Solid Waste.

(c) Construction and Maintenance of Vehicles and Containers. All vehicles registered to collect and transport Refuse shall be maintained free of obnoxious odors and accumulated Refuse. Any such vehicle shall be of a closed construction. A container utilized primarily for non-liquid Refuse need not be of watertight construction, but shall be completely enclosed.

(d) Delinquent Customers. A Refuse Collector may refuse to provide collection service to any customer who is more than thirty (30) days delinquent in the payment of the Refuse Collector's fee. If the delinquent customer shall discharge its delinquency, the Refuse Collector shall immediately restore collection services to the customer.

(e) Responsibility to Provide Service; Refusal to Provide. Refuse Collectors are hereby made jointly responsible for providing collection service to any resident of the Town. If any commercial, industrial or condominium customer of the Town shall be refused collection services without reasonable grounds or is dissatisfied with collection service, the customer may make application to the Director, who shall have the right to direct said collector to provide service or who shall have the right to designate another licensed Refuse Collector to provide Refuse collection service and the collector so selected shall comply with the Director's designation. In making such designation, the Director shall give primary consideration to those collectors who service customers in the same or a contiguous locality.

(f) Designation of Collector to Provide Service. In the event Refuse collection service is not provided, the Director shall designate a licensed Refuse Collector or collectors to provide Refuse collection service in the geographical area affected, and such collector or collectors shall comply with the Director's designation.

(g) Customers' Containers. Refuse Collectors shall leave their customers' containers in a neat, upright position and off the road.

(h) Spilled Refuse. Refuse Collectors shall clean up Refuse that may have spilled when carrying or transferring Refuse.

(i) List of Rates. Each Refuse Collector shall furnish to its customers, upon request, a list of rates for the various services provided.

Section 15. Violations and Penalty.

(a) Any generator of Refuse who violates the terms of this ordinance shall be fined not more than ninety-nine dollars for each offense, in addition to any other penalty imposable hereunder. Refuse placed out for collection not in accordance with

this ordinance and regulations adopted pursuant to it may not be collected in the discretion of the Director or the Board of Selectmen.

(b) Any Refuse Collector who collects Refuse in the Town without the license required by Section 10, or who knowingly mixes Refuse with Recyclable Materials, or who otherwise violates this ordinance or any regulation or directive issued by the Board of Selectmen or the Director pursuant to this ordinance or any such regulation, shall be fined not more than ninety-nine dollars for each such offense.

(c) Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. In addition, the Director is authorized to apply to a Judge of the Superior Court for a temporary and permanent injunction against a continuing or repeated violation of this ordinance.

(d) In addition to any other penalty, the Town shall have the right to bring a civil action to recover any amounts due to the Town from any Refuse Collector for violation of this ordinance or any regulation or directive issued by the Board of Selectmen or the Director pursuant to this ordinance or any such regulation, or for amounts due from any Refuse Collector who purchased from the Town the right to dispose of Refuse or who took an assignment of any such right, together with interest and attorney's fees as permitted by law.

Section 16. Repeal of Prior Ordinance.

The ordinance entitled "An Ordinance Regulating The Storage, Collection and Disposal of Solid Waste and Providing For a System of Refuse Collection and Disposal and The Administration Thereof" which was initially effective November 21, 1988 and was revised effective December 18, 1990 and May 9, 1992 is repealed effective upon the effective date of this ordinance.

Section 17. Effective Date.

This ordinance shall become effective August 15, 1995.

TM Vol 21, page 44

Sec 5 amended, TM Vol 21, page 197 2/22/96

(NOTE) See "Regulation Establishing Fees for Disposal of Waste at Landfill" for separate fees for bulky waste, tipping fees, etc.

TM Vol 21, page 425 Effective 10/15/97

TM Vol 21, page 485 Amended 3/1/98

RESOLUTION AUTHORIZING TOWN OFFICIALS TO

COVENANT AND AGREE ON BEHALF OF THE TOWN TO COMPLY WITH SECURITIES AND EXCHANGE COMMISSION EXCHANGE ACT RULE 15c2-12

RESOLVED: The First Selectman, the Director of Finance, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town of East Lyme, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information respositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as

enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12 ("Rule 15c2-12"), as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notices heretofore or hereafter authorized to be issued by the Town. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved. The Town may also provide for agreements, representations or covenants to be made on behalf of the Town to comply with Rule 15c2-12 in bond authorizations as may hereinafter be enacted.

TM Vol 21, page 41 June 21, 1995

ORDINANCE CONCERNING NOMINATION AND ELECTION OF MEMBERS OF BOARD OF EDUCATION

1. The provisions of section 9-204b of the General Statutes are adopted.

2. Subject to the provisions of section 9-167a of the General Statutes regarding minority representation, whether the number of members to be elected to the Board of Education at any election is odd or even, any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected.

3. Each political party shall have the right to nominate as many persons as there are vacancies on the Board of Education, and those names shall be placed upon the ballot.

4. This ordinance shall become effective ten days after publication of notice of enactment.

EFFECTIVE August 1, 1995 TM Vol 21 page 23

WATER MAIN EXTENSION ORDINANCE 13

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme water system pursuant to the ordinance entitled "Water Assessment Ordinance", and

WHEREAS, the Water and Sewer Commission has recommended to the Board of Selectmen a method of assessing benefits and the amount of each such assessment,

NOW, THEREFORE, in accordance with that recommendation, the East Lyme water system is extended in a general westerly direction in and along Barone Road for a distance of 390 feet, more or less, from the intersection of Indian Rock Road and Barone Road.

AND FURTHER, in order to finance in part the cost of the above described extension of the town's water system:

1. The following assessments are levied on owners of property benefitting from the water main which has been installed in Barone Road within said extension area, provided that each of such properties can be supplied with water service of at least 45 pounds per square inch at the curb line. The term "owner of property" shall mean each person having a property interest in the premises as disclosed by the East Lyme land records:

For each such property containing not more than one single-family dwelling requiring for adequate service a ¾ inch pipe from the main
$ 1,960.00

For each such property requiring for adequate service a one inch pipe from the main $ 2,260.00

For each such property requiring for adequate service a one and one-half inch pipe from the main $ 2,560.00

For each such property requiring for adequate service a two-inch pipe from the main $ 3,310.00

For each such property requiring for adequate service a four-inch pipe from the main $ 4,310.00

For each such property requiring for adequate service a six-inch pipe from the main $ 5,310.00

For each such property requiring for adequate service an eight-inch pipe from the main $ 6,310.00

2. The Water and Sewer Commission shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.

3. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled “Water Assessment Ordinance”.

4. Assessments of properties shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the Town.

5. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at the rate of five percent (5%) per annum, as follows:

(a) Ten percent (10%) of the total amount of the assessment shall be payable within thirty (30) days after a statement for said amount is mailed to the owners of the property by the Water and Sewer Commission. Interest on the unpaid balance of the total amount of the assessment, at the rate described above, shall commence to run at the expiration of said thirty-day period.

(b) The remaining ninety percent (90%) of the total amount of the assessment shall be paid in nine (9) equal installments. Said installments, together with interest at the rate described above, shall be payable annually, commencing one year after the installment described in subparagraph (a) of this paragraph is payable.

(c) Notwithstanding the provisions of subparagraphs (a) and (b) of this paragraph, the balance of the total amount of the assessment, together with accumulated interest, shall be due and payable upon a conveyance, assignment or other transfer of all or a portion of the property assessed. Transactions

exempt from this provision shall be those in which the consideration for the interest being conveyed, assigned or otherwise transferred does not exceed one hundred dollars ($100), and those transactions designated as exempt from the imposition of the Connecticut real estate conveyance tax, more particularly described in Section 12-498 of the Connecticut General Statutes.

(d) If any such installment is not paid when due, interest on such unpaid installment shall be at the rate of interest for delinquent real property taxes, notwithstanding the description of the interest rate set forth in paragraph 5 above.

6. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme land records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

7. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Section 12-107a to 12-107e inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations applicable thereto, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

8. In addition to the foregoing assessment, there shall be imposed on the owners of property in said extension area:

(a) When an additional connection to the water main is made to property previously assessed, a charge in an amount equal to the assessment described in paragraph 1 hereof.

(b) When property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set forth in paragraph a hereof for the larger pipe actually required.

(c) When a connection to the water main is made to property which was not previously assessed, or which was not previously assessed by virtue of an order of the Water Assessment Board of Appeals, a charge shall be imposed on the owners of such property in an amount equal to the assessment described in paragraph 1 hereof.

(d) If any charges are imposed in accordance with the provisions of subsections (a) or (b) of this paragraph,

they shall be payable in full upon completion of the connection to the water main. If any charges are imposed in accordance with the provisions of subsection © of this paragraph, they shall be paid, together with the interest installments, the first such installment to be payable within thirty (30) days after a statement for said amount is mailed to the owners of such property by the Water and Sewer Commission. The remaining installments shall be payable annually, commencing one year after the first installment is payable. Said payments shall be subject to the provisions of subparagraphs © and (d) of paragraph 5 hereof.

9. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

March 7, 1996 TM Vol 21, page

WATER MAIN EXTENSION ORDINANCE NO. 14

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme water system pursuant to the ordinance entitled "Water Assessment Ordinance", and

WHEREAS, the Water and Sewer Commission has recommended to the Board of Selectmen a method of assessing benefits and the amount of each such assessment,

NOW, THEREFORE, in accordance with that recommendation, the East Lyme water system is extended in a general southerly direction from the present terminus of the Town's water system at the intersection of Tanglewood Drive and Overbrook Road, in and along Frog Hollow Road, and Red Fox Road and portions of Overbrook Road and Green Valley Lakes Road.

AND FURTHER, in order to finance in part the cost of the above described extension of the town's water system:

1. The following assessments are levied on owners of property benefitting from a water main which has been installed within said extension area, provided that each of such properties can be supplied with water service of at least 45 pounds per square inch at the curb line. The term "owner of property" shall mean each person having a property interest in the premises as disclosed by the East Lyme land records:

For each such property containing not more than one single-family dwelling requiring for adequate service a one-inch pipe from the main $ 4,185.00

For each such property requiring for adequate service a one and one-half inch pipe from the main $ 4,485.00

For each such property requiring for adequate service a two-inch pipe from the main $ 4,785.00

For each such property requiring for adequate service a four-inch pipe from the main $ 5,535.00

For each such property requiring for adequate service a six-inch pipe from the main $ 6,535.00

For each such property requiring for adequate service en eight-inch pipe from the main $ 7,535.00

2. The Water and Sewer Commission shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.

3. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled “Water Assessment Ordinance”.

4. Assessments of properties shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the Town.

5. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at the rate of five percent (5%) per annum, as follows:

(a) Ten percent (10%) of the total amount of the assessment shall be payable within thirty (30) days after a statement for said amount is mailed to the owners of the property by the Water and Sewer Commission. Interest on the unpaid balance of the total amount of the assessment, at the rate described above, shall commence to run at the expiration of said thirty-day period.

(b) The remaining ninety percent (90%) of the total amount of the assessment shall be paid in nine (9) equal installments. Said installments, together with interest at the rate described above, shall be payable annually, commencing one year after the installment described in subparagraph (a) of this paragraph is payable.

(c) Notwithstanding the provisions of subparagraphs (a) and (b) of this paragraph, the balance of the total amount of the assessment, together with accumulated interest, shall be due and payable upon a conveyance, assignment or other transfer of all or a portion of the property assessed. Transactions exempt from this provision shall be those in which the consideration for the interest being conveyed, assigned or otherwise transferred does not exceed one hundred dollars ($100), and those transactions designated as exempt from the imposition of the Connecticut real estate conveyance tax, more particularly described in Section 12-498 of the Connecticut General Statutes.

(d) If any such installment is not paid when due, interest on such unpaid installment shall be at the rate of interest for delinquent real property taxes, notwithstanding the description of the interest rate set forth in paragraph 5 above.

6. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the First Selectman or his designee shall be filed in the East Lyme land records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which

is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

7. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Section 12-107a to 12-107e inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations applicable thereto, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

8. In addition to the foregoing assessment, there shall be imposed on the owners of property in said extension area:

(a) When an additional connection to the water main is made to property previously assessed, a charge in an amount equal to the assessment described in paragraph 1 hereof.

(b) When property previously assessed makes such use of the water main that it requires for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set forth in paragraph a hereof for the larger pipe actually required.

(c) When a connection to the water main is made to property which was not previously assessed, or which was not previously assessed by virtue of an order of the Water Assessment Board of Appeals, a charge shall be imposed on the owners of such property in an amount equal to the assessment described in paragraph 1 hereof.

(d) If any charges are imposed in accordance with the provisions of subsections (a) or (b) of this paragraph, they shall be payable in full upon completion of the connection to the water main. If any charges are imposed in accordance with the provisions of subsection (c) of this paragraph, they shall be paid, together with the interest at the rate set forth in paragraph 5 above, in ten equal installments, the first such installment to be payable within thirty (30) days after a statement for said amount is mailed to the owners of such property by the Water and Sewer Commission. The remaining installments shall be payable annually, commencing one year after the first installment is payable. Said payments shall be subject to the provisions of subparagraphs (c) and (d) of paragraph 5 hereof.

9. An unmetered fire connection shall not be a connection within the meaning of this ordinance.

March 7, 1996 TM Vol 21, page

RESOLUTION RE SEWERS AT DODGETOWN CONDOMINIUMS

PROPOSED RESOLUTION relative to a supplemental assessment of benefits pursuant to Section 7-246f (b) of the Connecticut General Statutes to connect the sewerage system of the Units in the Dodgetown Condominium on East Pattagansett Road, in the Town of East Lyme, Connecticut, to the East Lyme municipal sewerage system; establishing the due date of said assessments; providing for installment payments of assessments and interest thereon;

WHEREAS, the Water and Sewer Commission, the Water Pollution Control Authority, the statutory municipal authority existing under the laws of the State of Connecticut and within and for the Town of East Lyme, has heretofore approved and directed the connection of the community sewerage system of the Units in Dodgetown Condominium to the East Lyme municipal sewerage main located in East Pattagansett Road.

WHEREAS, the Connecticut General Statutes provide in part that at any time after a municipality, by its Water Pollution Control Authority, has taken action to ensure the effective operation of a community sewerage system and to prevent pollution of the waters of the state if the Association owning such system fails to operate, maintain and repair the sewerage system in accordance with applicable requirements of the Connecticut General Statutes, the Water Pollution Control Authority may recover the cost of taking such action by levying assessments against the properties served by the system in accordance with said Connecticut General Statutes and such rules as the Water Pollution Control Authority adopts.

NOW THEREFORE, BE IT RESOLVED by the Water and Sewer Commission of the Town of East Lyme, as follows:

1. That areas within which assessments levied pursuant to Section 7-246f (b) of the Connecticut General Statutes are due include all of the sixty (60) Units in the Dodgetown Condominium on East Pattagansett Road in the Town of East Lyme, Connecticut.

2. That the total cost to be assessed for the above-described action in connecting the community sewerage system to the municipal sewerage system is $201,931.24.

3. That there is hereby assessed upon and against the Units and upon the owners thereof of each property affected by the foregoing action, the benefit assessments shown after the name of the affected property owner and in the amount due column, being the amount of the owner's due proportion of the total cost of such action as assessed in accordance with the decision of the Water and Sewer Commission.

The compilations are listed by street and number and unit number according to names of owners, indicating the total due assessment, as applicable.

4. That there is hereby assessed upon and against each Unit and upon the owners thereof an amount equal to the total cost of the assessment divided by each Unit's undivided interest in the common elements of the condominium, i.e., one-sixtieth ($1/60^{th}$) of the total cost of $201,931.24 or $3,365.52 per Unit.

5. That the assessment set forth in paragraph 4 hereof shall be due and payable on May 1, 1996. The owner(s) of any assessed property may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable

without interest, or may elect to pay said assessment by installment payments made in accordance with paragraph 6 hereof.

6. That the installment payments of the assessment may be made in twenty-one (21) substantially equal annual installments, the first installment to be due and payable May 1, 1996, each subsequent payment of an installment to be due and payable on or before the anniversary date of the first installment in consecutive years; the final payment shall be due and payable not later than May 1, 2016, made payable to the order of the Treasurer of said Town. Notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

a. Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

7. That interest at the rate of seven and three fourths percent (7 ¾%))*** per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 6 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

8. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property taxes.

9. That each installment of interest shall be collectible as part of such assessment.

10. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as real property taxes.

11. That the supplemental assessments as described herein, levied pursuant to Section 7-246f (b) of the Connecticut General Statutes, are in addition to sewer benefit assessments previously levied against these properties.

BE IT FURTHER RESOLVED, that the connection of the community sewerage system of the Units in Dodgetown Condominium to the East Lyme municipal sewerage main located in East Pattagansett Road, as described hereinbefore, shall now be deemed duly and legally authorized, and all assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. Notice shall be published listing properties against which benefits have been assessed, with the amount to be paid by each such owner and a notice of the date when assessments are due and payable in accordance with Chapter 103 of the Connecticut General Statutes as amended. A copy of the assessment of benefits shall be mailed, postage prepaid, to the owner of each property affected thereby to such owner's address as shown in the last completed grand list of the municipality or at any later address of which the Water Pollution Control Authority may have knowledge.

NOTE: Item 7 *** shown as amended 2/27/96.

TM Vol 21, page 207 February 27, 1996

ORDINANCE ESTABLISHING A FAIR HOUSING PLAN FOR THE TOWN OF EAST LYME

1. Fair Housing Officer

A Fair Housing Officer shall be appointed by the First Selectman. Said Officer shall have the responsibility and authority to administer and implement the Fair Housing plan and shall perform duties which include the following:

(a) Keep current on all pertinent State and Federal legislation relating to fair housing;
(b) Disseminate information concerning the Town's commitment to Fair Housing to community groups, local real estate brokers, local lending institutions, landlords, developers, Town Officials and the general public;
(c) Participating in educational workshops or seminars concerning the ramification of fair housing legislation and the Town's commitment to fair housing;
(d) Develop and distribute the forms needed to properly file a fair housing grievance (see Section II).
(e) Assist persons who feel they have been discriminated against, by trying to effect voluntary compliance on the part of the landlord or seller or by assisting them in filing a complaint with the proper state and federal agencies (See Section II).
(f) Attend meetings of the Board of Selectmen and keep the Board informed of all grievances and other related fair housing activities.
(g) Maintain a separate "Fair Housing" file which documents all actions taken to affirmatively further fair housing opportunities in East Lyme. Said file shall be open for inspection to the public within the bounds of confidentiality guaranteed by law.

I. Grievance Procedure

Any person who feels that he or she has been discriminated against in an attempt to secure housing within the Town of East Lyme may file a complaint with the Fair Housing Officer of the Town of East Lyme at the Town Hall. To facilitate and standardize the complaint filing procedure, forms provided by the Department of Housing and Urban Development shall be used and additional forms or background information will be developed as required.

The Fair Housing Officer shall review the complaint and if the Fair Housing Officer cannot effect voluntary compliance with the law on the local level, the complaint shall be referred to the Department of Housing and Urban Development and the Connecticut Commission on Human Rights and Opportunities. The Fair Housing Officer shall be responsible for keeping track of all referrals and providing whatever assistance is needed by the agencies involved.

All complaints and follow-ups shall be recorded and kept in the Fair Housing File (see Section I (g).

Effective July 10, 1999 TM Volume 21, Page 666

WATER MAIN EXTENSION ORDINANCE #15

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme Water system,

NOW, THEREFORE, in accordance with that recommendation, the water system shall be extended in a general westerly direction in and along the Boston Post Road from the present terminus of Waterford's water main at the Waterford town line for a distance of approximately one thousand, eight hundred (1,800) feet.

BENEFIT ASSESSMENT RESOLUTION

RESOLUTION relative to an assessment of benefits pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991, as amended on March 24, 1992 (herinafter the "Resolution"), in connection with the land and proposed units in the Chapman Woods Common Interest Community located on the easterly and northeasterly side of Connecticut Route 161 opposite its intersection with Industrial Park Road and northerly of Damon Heights Road in the town of East Lyme, Connecticut; establishing the due date of said assessments; providing for installment payments of assessments and interest thereon.

WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, WEST HILL LLC, (hereinafter "Declarant"), by Declaration recorded in Volume 483, page 374 of the East Lyme land records (hereafter "Declaration") proposes to develop a Common Interest Community, reserving the right to create up to a maximum of 103 units; and

WHEREAS, it is recognized that the Common Interest Community is to be developed in stages and that all of the proposed one hundred three Units may not be built at once; and

WHEREAS, a portion of the land subject to the Declaration previously has been assessed in accordance with a Caveat, Certificate of Notice of Installment Payments of Assessment of Benefits dated August 10, 1992 and a Notice of Sewer Assessment in the amount of $45,410.69 recorded on June 12, 1998 in the East Lyme land records, and the remaining portion of the land has not been assessed, and it it the intention of this Resolution to assess all of the land and all of the proposed Units and all Developmental Rights and Special Declarant Rights reserved by the Declarant.

NOW THEREFORE, BE IT RESOLVED, by the East Lyme Water and Sewer Commission as follows:

1. Areas upon which the assessment is levied include the area of land more fully described in Schedule A-3 to the Declaration. Said

Common Interest Community, to be known as "Chapman Woods" will consist of up to 103 Units, each Unit to be connected to the East Lyme sewerage system. The assessments are levied upon the land, proposed Units and Development Rights and Special Declarant Rights reserved by the Declarant, all of which are currently owned by West Hill, LLC.

2. That the Declarant has certain Development Rights and Special Declarant Rights with regard to the proposed Common Interest Community, which include the right to create Units, Common Elements and Limited Common Elements within said community. Each Unit shall be owned by said Declarant until such time as it is transferred to a subsequent owner.
3. That the total cost assessed for the land, Development Rights and Special Declarant Rights and the one hundred three (103) proposed Units is $605,554.51 ($5,879.17 x 103 = $605,554.51).
4. That there is hereby assessed upon and against the land more fully described in Schedule A-3 to the Declaration, the Development Rights and Special Declarant Rights and the proposed Units as set forth in Schedule A-5 and Article VII of the Declaration and upon the present Declarant and future Owners of the proposed Units, a benefit assessment of $605,554.51, representing an assessment of $5,879.17 per proposed Unit, all in accordance with the Resolution.
5. That when a certificate of occupancy is issued for a proposed unit, the assessment for that Unit in the sum of $5,879.17 shall become due and payable. Each Unit owner shall be responsible only for its portion of the total assessment (i.e. $5,879.17) and shall bear no responsibility for payment of the assessment remaining against the land, Development Rights and Special Declarant Rights, and the other Units.
6. The Declarant or subsequent Unit Owner of any assessed Unit may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest, or may elect to pay said assessment by installment payments made in accordance with paragraph 7 hereof.
7. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each Unit shall be made in substantially equal annual installments, the first installment to be due and payable upon the issuance of a certificate of occupancy for each Unit; each subsequent installment to be due and payable on or before March 1st of each year; and the final payment shall be due and payable no later than March 1, 2016. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. A Notice of Installment Payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

8. That interest at the rate of five percent (5%) per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 7 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

9. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property taxes.

10. That each installment of interest shall be collectible as part of such assessment.

11. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date sucy levy became due. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as real property taxes.

12. That this assessment is in lieu of and supercedes any prior sewer assessment or assessments levied against a portion of this land and the proposed Units.

BE IT FURTHER RESOLVED, that the assessment of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. Notice shall be published listing the proposed Units against which benefits have been assessed, with the amount to be paid by the Declarant or future, subsequent Unit Owner and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Declarant and to any other Owner of property affected thereby in accordance with the Connecticut General Statutes.

TM Volume 21, page 747 Recorded November 4, 1999

ORDINANCE AUTHORIZING PROPERTY TAX EXEMPTIONS FOR SOLAR ENERGY SYSTEMS (SECOND AND THIRD AMENDMENT)

1. Pursuant to Section 12-81 of the General Statutes, as amended, an exemption from property tax is authorized for the following:

Any building, the construction of which is commenced on or after October 1, 1976, which is equipped with an Active Solar Energy Heating or Cooling System. Any building to which an Active Solar Energy Heating or Cooling System is added on or after October 1, 1976. “Active Solar Energy Heating or Cooling System” as used in subsections 1.1 and 1.2 means equipment which (1) provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, (2) employs mechanical means such as fans or pumps to transfer energy, and (3) which meets standards established by regulation by the Secretary of the Office of Policy and

Management. Any building, the construction of which is commenced on or after April 20, 1997 which is equipped with a Passive or Hybrid Solar Energy Heating or Cooling System. Any building to which a Passive or Hybrid Solar Energy Heating or Cooling System is added on or after April 20, 1997. "Passive Solar Energy Heating or Cooling System" as used in subsections 1.4 and 1.5 means: A system which utilizes the structural elements of a building for the collection of incident solar energy and its storage and distribution for use in water heating or space heating or cooling; which building absent such system would require a conventional energy resource, such a petroleum products, natural gas or electricity, and which system meets standards established by regulation by the Secretary of the Office of Policy and Management; and

"Hybrid Solar Energy Heating or Cooling System" as used in subsections 1.4 and 1.5 means: A solar energy heating or cooling system which consists of both active and passive elements and which meets the standards established for both.

2. The extent of the exemptions granted by subsections 1.1 and 1.2 is the amount by which the assessed valuation of such real property equipped with such a system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating of cooling system, exclusive of any portion of such system related to solar energy, as determined by the Assessor.
3. The extent of the exemptions granted by subsections 1.4 and 1.5 is the amount by which the assessed valuation of such real property equipped with such a system exceeds the valuation of which such real property would be assessed if building using conventional construction techniques in lieu of construction related to such a system, as determined by the Assessor.
4. These exemptions shall only apply to the first fifteen (15) assessment years following construction of said building or the addition or installation of any such system to a building.
5. Application for such exemptions must be filed in accordance with the relevant subsections of Section 12-81 of the General Statutes and on or before the first day of November following the annual assessment date. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

TM Volume 21, page 752	February 10, 2000
TM Volume 22, page 804	June 19, 2008 Amended

ORDINANCE ESTABLISHING A SCHOOL BUILDING COMMITTEE FOR EAST LYME MIDDLE SCHOOL CONSTRUCTION AND CONVERSION PROJECT

1. The East Lyme Board of Education shall act as the town's School Building Committee, during the design phase of the project to construct a new middle school and convert the existing middle school to an elementary school, and the East Lyme Town Building Committee shall act as the town's School Building Committee during the construction phase of the project.

2. The Superintendent of schools shall be an ex-officio member without vote of the committee during the design phase and the construction phase of the project.

3. This ordinance shall be effective ten (10) days after publication of notice of its adoption.

Effective date February 10, 2000 TM Vol 21, page 752

WATER MAIN EXTENSION ORDINANCE NO. 16

WHEREAS, the East Lyme Water and Sewer Commission has recommended an extension of the East Lyme water system,

NOW THEREFORE, in accordance with that recommendation, the water system shall be extended in a general easterly direction in and along Woodrow Drive from the present municipal water main located in the North Bride Brook road for a distance of approximately four hundred and twenty-five (425) feet.

1. 1. The Water and Sewer Commission shall determine the size of the pipe required for adequate service to owners of the property connecting with said extension, based upon the volume of water likely to be used, the pressure requirements and the nature of the use.
2. 2. Assessments which may be levied on properties benefited by this extension shall be the subject of a separate ordinance or an amendment to this ordinance.

This ordinance shall take effect ten (10) days after publication of its notice of adoption.

Dated at East Lyme, Connecticut on this 19th day of January, 2000.

Effective February 23, 2000 TM Vol 21, page 750

WATER MAIN EXTENSION ORDINANCE NO. 17

WHEREAS, the East Lyme Water and Sewer Comission has recommended an extension of the East Lyme water system pursuant to the ordinance entitled "Water Assessment Ordinance", and

WHEREAS, the Water and Sewer Commission has recommended to the Board of Selectmen a method of assessing benefits and the amount of each such assessment,

NOW, THEREFORE, in accordance with that recommendation, the East Lyme water system is extended in a general northwesterly direction from the present terminus of the Town's water system at the intersection of Liberty Way and West Main Street (Connecticut Route 156) in and along West Main Street, Capital Drive and Colton Road.

AND FURTHER, in order to finance in part the cost of the above-described extension of the town's water system:

1. The following assessments are levied on owners of property benefiting from a water main which has been installed within said extension area, provided that each of such properties can be supplied with water service of at least 45 pounds per square inch at the curb line. The term "owner of property" shall mean each person having a property interest in the premises as disclosed by the East Lyme land records:

For each such property containing not more than one single-family residential dwelling requiring for adequate service a one-inch pipe from the main:	$ 4,450.00
For each such property used or zoned for any prupose other than a single family residential dwelling and requiring for adequate service a one-inch pipe from the main	$ 12,960.00
For each such property used or zoned for any purpose other than a single family residential dwelling and requiring for adequate service a one and one-half inch pipe from the main:	$ 13,560.00
For each such property used or zoned for any purpose other than a single family residential dwelling and requiring for adequate service a two-inch piope from the main:	$ 14,160.00
For each such property used or zoned for any purpose other than a single family residential dwelling and requiring for adequate service a four-inch pipe from the main:	$ 14,760.00
Fore each such property used or zoned for any purpose other than a single family residential dwelling and requiring for adequate service a six-inch pipe from the main:	$ 15,360.00
For each such property used or zoned for any purpose other than a single family residential dwelling and requiring for adequate service an eight-inch pipe from the main:	$ 15,960.00

2. Each such property used or zoned for any purpose other than a single family residential dwelling shall be provided with a six-inch unmetered fire connection stub at the curb line. The Water and Sewer Commission shall determine the size pipe required for adequate service, based on the volume of water likely to be used, the pressure requirements and the nature of the use. The cost of any size pipe other than those specified shall be prorated by the Board of Selectmen.

3. Appeals from the foregoing assessments may be made in accordance with the ordinance entitled "Water Assessment Ordinance".

4. Assessments of properties shall become final upon completion of its duties by the Water Assessment Board of Appeals. The assessments shall thereupon become liens upon the property against which they are made. Any such lien shall be liable to be foreclosed in the manner provided by law for the foreclosure of tax liens in favor of the Town.

5. Assessments shall become due upon completion of its duties by the Water Assessment Board of Appeals and if not sooner paid shall be payable, together with interest at the rate of five and one-half percent (5 1/2%) per annum, as follows:

   (a) Five percent (5%) of the total amount of the assessment shall be payable within thirty (30) days after a statement for said amount is mailed to the owners of the property by the Water and Sewer Commission. Interest on the unpaid balance of the total amount of the assessment, at the rate described above, shall commence to run at the expiration of said thirty-day period.

   (b) The remaining ninety-five percent (95%) of the total amount of the assessment shall be paid in nineteen (19) equal installments. Said installments, together with interest at the rate described above, shall be payable annually, commencing one year after the installment described in subparagraph (a) of this paragraph is payable.

   (c) Notwithstanding the provisions of subparagraphs (a) and (b) of this paragraph, the balance of the total amount of the assessment, together with accumulated interest, shall be due and payable upon a conveyance, assignment or other transfer of all or a portion of the property assessed. Transactions exempt from this provision shall be those in which the consideration for the interest being conveyed, assigned or otherwise transferred does not exceed one hundred dollars ($100), and those transactions designated as exempt from the imposition of the Connecticut real estate conveyance tax, more particularly described in Section 12-498 of the Connecticut General Statutes.

   (d) If any such installment is not paid when due, interest on such unpaid installment shall be at the rate of interest for delinquent real property taxes, notwithstanding the description of the interest rate set forth in paragraph 5 above.

6. Said assessment liens shall not continue to exist for a period longer than one year after the assessment becomes due and payable unless within that period a certificate signed by the First Selectman or his designee describing the premises on which such lien exists, the work on account of which it is claimed and the amount claimed by the town as the lien shall be filed in the East Lyme land records. Any such lien shall cease to exist whenever a certificate discharging the same signed by the first Selectman or his designee shall be filed in the East Lyme land records. Such lien shall be discharged by the First Selectman or his designee upon payment of such unpaid assessment, interest as set forth herein and a lien fee which shall be an amount which is equal to the sum of a $5.00 administrative fee and the amount charged by the Town Clerk for recording and releasing such lien.

7. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to Section 12-107a to 12-107e inclusive, of the General Statutes as farm land, forest land or open space land, on the last completed grand list of the town, which

exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations applicable thereto, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the Planning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The town shall place a caveat on the land records in each instance where an assessment is deferred.

8. In addition to the foregoing assessment, there shall be imposed on the owners of property in said extension area:

   (a) When an additional connection to the water main is made to property previously assessed, a charge in the amount equal to the assessment described in paragraph 1 hereof.

   (b) When property previously assessed makes such use of the water main that it required for adequate service a pipe larger than that for which the property was assessed, a charge equal to the difference between the previous assessment and the rate set forth in paragraph (a) hereof for the larger pipe actually required.

   (c) When a connection to the water main is made to property which was not previously assessed, or which was not previously assessed by virtue of an order of the Water Assessment Board of Appeals, a charge shall be imposed on the owners of such property in an amount equal to the assessment described in paragraph 1 hereof.

   (d) If any charges are imposed in accordance with the provisions of subsections (a) or (b) of this paragraph, they shall be payable in full upon completion of the connection to the water main. If any charges are imposed in accordance with the provisions of subsection (c) of this paragraph, they shall be paid, together with the interest at the rate set forth in paragraph 5 above, in twenty equal installments, the first such installment to be payable within thirty (30) days after a statement for said amount is mailed to the owners of such property by the Water and Sewer Comission. The remaining installments shall be payable annually commencing one year after the first installment is payable. Said payments shall be subject to the provisions of subparagraphs (c) and (d) of paragraph 5 hereof.

9. This ordinance shall become effective ten (10) days after publication of notice of its adoption. (Effective December 4, 2000)

Effective Dec. 4, 2000 TM Vol 22, page 56

ORDINANCE ESTABLISHING ROUTE 11 GREENWAY AUTHORITY COMMISSION

WHEREAS, the Connecticut General Assembly has, in section 40 of Public Act 00-148, authorized the towns of East Lyme, Montville, Salem and Waterford to establish by ordinance a "Route 11 Greenway Authority Commission"; and WHEREAS, it is desirable to promote completion of Route 11 and a related Greenway; The following ordinance is hereby adopted:

1. Pursuant to Section 40 of Public Act No. 00-148, the Town of East Lyme hereby establishes a Route 11 Greenway Authority Commission, which shall be deemed to be established at such time as the last of the four towns of East Lyme, Montville, Salem and Waterford has adopted an ordinance consistent with subsections (a), (b) and (c) of Section 40 of Public Act 00-148.
2. The membership of said commission shall consist of the Commissioner of Environmental Protection or said Commissioner's designee, the Commissioner of Transportation, or said commissioner's designee, a member and alternate member from each of the towns of East Lyme, Montville, Salem and Waterford, appointed by the First Selectman of said towns, and a member and alternate member of the Southeastern Connecticut Council of Governments appointed by said agency.

3. Each member and alternate member of the Commission shall serve for a term of two years and until such member's successor is appointed and has qualified. Such appointments shall take effect when the last of the four towns has adopted an enabling ordinance. An alternate member shall be empowered to vote on said Commission in the absence of the member for whom such person is an alternate. The initial terms of members shall commence when the last of the four towns adopting such ordinance has appointed a member and an alternate member. Any vacancy on the Commssion shall be filled in the same manner as the original appointment for the balance of the unexpired term. No appointed member shall receive any compensation for service on said commission. Said Commission shall elect from its members a chairperson and such other officers as it deems necessary and shall establish its own rules and procedure.

4. The Commission shall be an autonomous body within the Department of Transportation for administrative purposes only. The Commission may employ experts and such other assistants as it judges necessary and may accept funds from any source. Notwithstanding any other provision of the General Statutes, any funds appropriated to the Commission received by the Commission from any other source shall be held in the custody of the Commission and expended by the Commission for the purposes set forth in Section 40 of Public Act No. 00-148.

5. The Commissioner of Environmental Protection and the Commissioner of Transportation, not later than sixty days after the effective date of the enabling ordinance adopted by the last of the four towns to adopt such an ordinance, shall call a meeting of the Commission which shall, within ninety days thereafter: (1) Hold public hearings for the purpose of developing standards for (A) defining the boundaries of the Route 11 Greenway, (B) planning the design, the construction, maintenance and management of the Route 11 Greenway trail system and intermodal transportation access system, (C) identifying and prioritizing land that should be added to the Route 11 Greenway, (D) recommending land use within the Route 11 Greenway, and (E) acquiring land and securing conservation easements for the Route 11 Greenway, except that nothing in the Act shall be construed to prohibit the acquisition of land within the Route 11 Greenway by a municipality; and (2) Establish bylaws by which the Commission shall (A) conduct its meetings, including a provision specifying that no action by the Commission shall be effective except by the concurring votes of at least four members, (B) protect and preserve

lands under its custody, (C) supervise staff, (D) maintain its records, and (E) report to the General Assembly, as required by Section 40 of Public Act 00-148.

6. Notwithstanding any other provision of Section 40 of Public Act 00-148 or the General Statutes, the Commission may: (1) acquire or convey by purchase, gift, lease, devise, exchange or otherwise, any land or interest therein including, but not limited to, conservation easements, located wholly or partly in the conservation zone, provided such acquisition does not utilize funds furnished by the State; (2) transfer, with the approval of the Commissioner, any land or interest therein to the State with or without consideration, provided any funds received therefor shall not be deemed funds furnished by the State for purposes of this section, (3) contribute or transfer funds to, and enter into Agreements with, land trusts or other conservation organizations, to carry out the purposes of Section 40 of Public Act No. 00-148.

7. The Commission shall report to the General Assembly, on or before February 15 annually, on its activities of the preceding year and on its finances.

8. The existence of the Commission shall terminate at such time as all of its member towns have withdrawn or is abolished by the General Assembly.

9. This ordinace shall become effective ten (10) days after publication of notice of its adoption. (November 20, 2000)

Dated at East Lyme, CT this 4th day of October, 2000.

TM Vol 22, page 54 Effective: Nov 20, 2000

ALARM SYSTEMS ORDINANCE

A. Purpose

The purpose of this ordinance is to regulate the registration, operation and use of burglar, fire, medical or any other alarms or emergency signaling devices within the Town of East Lyme and to support and enforce the maintenance of said system.

B. Applicability

The provisions of this ordinance shall apply to any person or entity who operates or owns any alarm system that automatically summons the police, fire, medical or ambulance personnel or other Town agency in response to an alarm signal.

C. Definitions

1. Alarm Systems

a. Alarm System. Any device or equipment which is capable of activating the municipal fire alarm system, or is capable of automatically calling and relaying recorded emergency messages to any State Police or Municipal Police or Fire Department telephone number, or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third

party which shall thereafter call and relay such emergency message to a State Police or Municipal Police or Fire Department telephone number.

b. Burglar Alarm means any alarm system falling within the definition of paragraph (a) above which is designed to transmit a signal in event of intrusion, hold up, or other type of emergency situation.

c. Fire Alarm means any system which falls within the definition of paragraph (a) above which is designated to transmit an alarm relating to fire.

d. All alarm system means any system which sounds an audible signal that may be heard outside the protected premises. Said systems shall be equipped with a device that will limit the duration of such audible signal to not more than ten minutes.

2. Alarm Appeal Board shall consist of a three member panel selected by the First Selectman from the following officials: the Resident State Trooper, the Chief of Police, the Chiefs of the Niantic and Flanders Fire Departments, the East Lyme Fire Marshal and a member of the Board of off needlessly.
3. Key Holder refers to any person whose name appears on the registration form as a key holder or is designated in writing by the alarm owner or user to respond to the premises of alarm activation when requested by the Police Department or Fire Department (e.g Reset system, gain entry, etc.)
4. Selectmen. The Board is designated to hear appeals and assess fines and penalties.
5. An Alarm Owner or User means any person, firm, corporation or other business entity that owns, controls, installs, operates or maintains any alarm system as defined in Section C(1) above.
6. Automatic Telephone Dialing Service refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message indicating the existence of an emergency situation that the alarm is designated to detect.
7. Central Station Operating Company refers to a company equipped to receive burglar, fire, panic, intruder or hold-up alarms from each of its customers and which then transmits to the Connecticut State Police or Town of East Lyme Emergency Communications Center the location and type of any such alarm the central station operating company receives.

False Alarm means an alarm (such as a Fire or Burglar Alarm) that is set

D. Registrations

1. The alarm owner/user or central station operating company shall, within 30 days of installation or activation of an alarm system, complete a registration form provided by the Town of East Lyme which shall include information concerning the alarm device, location, key holder(s) and any other necessary information.
2. It shall be the responsibility of the alarm owner/user or central station operating company to notify the Town of East Lyme within 10 days, in writing, of changes in registration information.

E. Connection to Telephone Lines Restrictions

1. No person, firm, corporation or other business entity shall connect to a telephone company's network any automatic dialing device or other alarm system which causes the number "911" to be automatically dialed.

2. Automatic dialing devices may only be connected to a seven digit telephone number (excluding area code) assigned by the Town of East Lyme. The automatic dialing device must be equipped to disconnect after three rings.

F. False Alarm, Registration, Violations & Charges

1. In the event there are three false alarm responses to the same location within the same calendar year, a written warning will be issued to the alarm owner/user upon the occurrence of the third false alarm, notifying them of impending charges for further false alarms occurring within a twelve month period.
2. A charge of $25.00 shall be imposed on the alarm owner/user upon the occurrence of a fourth false alarm response within a twelve month period.
3. A charge of $50.00 shall be imposed on the alarm owner/user upon the occurrence of all subsequent false alarm responses after four (4) within the twelve month period.
4. A charge of $50.00 shall be imposed on the alarm owner/user for failure to register an alarm system with the Town of East Lyme Emergency Services.
5. A charge of $50.00 shall be imposed on the alarm owner/user for failure to provide notification of any changes in registration to the Town of East Lyme Emergency Services.
6. A charge of $50.00 shall be imposed on the alarm owner/user for the failure of a key holder to timely respond to the premises of the alarm when requested by the Police Department or Fire Department.
7. A charge of $50.00 shall be imposed on the alarm owner/user upon the occurrence of any automatic dialing violation as set forth in Section 3 hereof.
8. A charge of $25.00 shall be imposed on the alarm owner/user for the failure of an alarm owner/user to notify the Emergency Services Communication Center of an alarm system service test, repair or adjustment of an alarm system which results in a false alarm response.
9. Charges for violations will be payable to the Town of East Lyme and collected by the Police Department or the First Selectman's designee and deposited into the General Fund.

G. Waiver of Charges

1. Upon receipt of a timely appeal for a false alarm charge or registration violation, the Alarm Appeal Board shall hold a hearing to consider waiving said charge. The Appeal Board shall mail a notice of the time and place of said hearing to the alarm owner/user at his/her last known address at least fifteen days before the hearing. On the basis of information provided by the alarm owner/user and other information introduced at the hearing, the Board shall affirm the charge or waive the charge.
2. An appeal shall be considered timely if written notice thereof is filed at the office of the First Selectman within fifteen (15) days after notice of the false alarm charge or registration violation is mailed to the alarm owner/user.
3. If an alarm owner/user notifies the proper agency that will receive his alarm when activated, East Lyme Communications 739-3149 or State Police Dispatch 848-6500 at least one (1) hour prior to any service test, repair or adjustment of an alarm system that may activate a false alarm, no charge shall be imposed. In the case of fire alarm systems, the alarm owner/user shall notify the East Lyme Communications Center at 739-3149 as soon as all service, test, repair or adjustment of the alarm system has been completed.

H. Enforcement

1. The Town of East Lyme may institute civil proceedings to enforce the provisions of this ordinance.

I. Disclaimer of Liability

Notwithstanding the provisions of this ordinance, the Town of East Lyme and its departments, officers, agents and employees shall be under no obligation whatsoever to ensure or verify the adequacy, proper installation, maintenance, use or resetting of any alarm device. The Town of East Lyme assumes no liability for the failure of alarm devices. Each alarm owner/user shall be deemed to hold and save harmless the Town of East Lyme and its departments, officers, agents and employees from any and all liability arising out of, resulting from or relating to an alarm owner/user's installation, operation, maintenance and use of an alarm system.

TM Volume 22, page 250 Effective February 18, 2003

SEWER ASSESSMENT RESOLUTION

RESOLUTION relative to an assessment of benefits pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 191, as amended on March 24, 1992 (hereinafter the "Resolution"), in connection with the land and Units in the Spinnaker common Interest community, located on the southerly side of Connecticut Route 156 (West Main Street) opposite its intersection with Corey Lane in the Town of East Lyme, Connecticut; establishing the due date of said assessments; providing for installment payments of assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, SPINNAKER HOMES, LLC, (hereinafter "Declarant"), by Declaration recorded in Volume 653, Page 12 of the East Lyme Land Records (hereinafter "Declaration") proposes to develop a Common Interest Community, reserving the right to create up to a maximum of 78 Units; and

WHEREAS, it is recognized that the Common Interest Community is to be developed in stages and that all of the proposed seventy eight Units may not be built at once; and

WHEREAS, a portion of the land subject to the Declaration previously has been assessed in accordance with a Caveat, Certificate of Notice of Installment Payment of Assessment of Benefits dated August 10, 1992 and a Notice of Sewer Assessment in the amount of $7,838.89 and recorded on August 10, 1992 in Volume 335, Page 509 of the East Lyme land records, and the remaining portion of the land has not been assessed, and it is the intention of this Resolution to assess all of the land and all of

the proposed Units and all Developmental Rights and Special Declarant Rights reserved by the Declarant.

NOW THEREFORE, BE IT RESOLVED, by the East Lyme Water and Sewer Commission as follows:

1. That the areas upon which the assessment is levied include the area of land more fully described and depicted in Schedules A-1 and A-3 of the Declaration. Said Common Interest Community, known as "Spinnaker", consists of up to 78 Units, each Unit to be connected to the East Lyme sewerage system. The assessment is levied upon the land and Units and Development Right and Special Declarant Rights reserved by the Declarant, which are curently owned by Spinnaker Homes, LLC, and the following owners of previously conveyed Units:

   Kenneth E. and Joan Rauenbuhler, 8 Spinnaker Drive
   Albert W. and Judith D. Hilburger, 10 Spinnaker Drive
   Kenneth J. and Patricia W. Payne, 12 Spinnaker Drive
   Rudolf and Susan-Jayne Westner, 9 Spinnaker Drive

2. That the Declarant has certain Development Rights and Special Declarant Rights with regard to the proposed Common Interest Community, which include the right to create Units, Common Elements and Limited Common Elements within said community.

3. That the total cost assessed for the land, Development Rights and Special Declarant Rights and the seventy eight (78) Units is $454,624.56 ($5,828.52 X 78 = $454,624.56).

4. That there is hereby assessed upon and against the land more fully described and depicted in Schedules A-1 and A-3 of the Declaration, the Development Rights and Special Declarant Rights and the Units as set forth in the Declaration and upon the present Declarant and present and future owners of the Units, a benefit assessment of $454,624.56, representing as assessment of $5,828.52 per Unit, all in accordance with the Resolution.

5. That when a certificate of occupancy is issued for a Unit, the assessment for the Unit in the sum of $5,828.52 shall become due and payable. Each Unit owner shall be responsible only for its portion of the total assessment, (i.e. $5,828.52) and shall bear no responsibility for payment of the assessment remaining against the land, Development Rights and Special Declarant Rights, and the other Units.

6. The Declarant or Unit owners of any assessed Unit may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest, or may elect to pay said assessment by installment payments made in accordance with paragraph 7 hereof.

7. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each Unit shall be made in substantially equal annual installments, the first installment to be due and payable upon the issuance of a certificate of occupancy for each Unit; each subsequent installment to be due and payable on or before March 1st of each year; and the final payment shall be due and payable no later than March 1, 2020. Payments shall be made payable to the order of the Treasurer of the

Town of East Lyme. A Notice of Installment Payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

8. That interest at the rate of five percent (5%) per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 7 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

9. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property tax.

10. That each installment of interest shall be collectible as part of such assessment.

11. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien on the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded, enforced, collected and released in the manner provided by the Connecticut General Statutes for continuing, recording, enforcing, collecting and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as real property taxes.

12. That this assessment is in lieu of and supercedes any prior sewer assessment or assessments levied against a portion of the land.

BE IT FURTHER RESOLVED, that the assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. Notice shall be published listing the Units against which benefits have been assessed, with the amount to be paid by the Declarant or Unit Owners and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Declarant and to any other Owner of property affected thereby in accordance with the Connecticut General Statutes.

Filed as of April 30, 2004 by David J. Funke, Finance Director

ORDINANCE CONCERNING AUTOMATIC LAWN SPRINKLER SYSTEMS

1. Any automatic lawn sprinkler system making use of water provided by or through the East Lyme municipal water system shall be equipped with a rain sensor device or switch that will automatically override the irrigation cycle of such sprinkler system when adequate rainfall has occurred.
2. The East Lyme Director of Public Works shall determine the method by which an appropriate level of “adequate rainfall” will be measured and the method by which the automatic lawn sprinkler system will be deactivated by the rain sensor device or switch. In making such determinations, the Director of Public Works may be guided but not controlled by the specifications of manufacturers of said automatic lawn sprinkler systems.

3. Any person who uses water from a faucet or spigot which is not connected to the municipal water system may apply to the Water and Sewer Commission for a certificate evidencing such fact and, upon inquiry from any person charged with the enforcement of such ordinance, shall make such certificate available to the enforcement officer.
4. (a) Any person violating the ordinance shall be fined not more than ninety-nine dollars ($99.00). In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.
   (b) If there has been a violation of this ordinance by the same person on three separate occasions, the Director of Public Works may, after such notice and hearing as may be required by the Connecticut Department of Public Utilities for termination of service to such person, enforce such restrictions by reducing or discontinuing the supply of water to the residence or business owned or occupied by such person.

5. The provisions of this ordinance shall apply to any automatic lawn sprinkler system installed on or after the effective date of this ordinance.
6. This ordinance shall be effective ten days after the publication of notice of its adoption. (Effective date June 29, 2004)

June 29, 2004 TM Volume 22, page 388

BENEFIT ASSESSMENT RESOLUTION

RESOLUTION relative to an assessment of benefits pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991, as amended on March 24, 1992 (hereinafter the "Resolution"), in connection with the land and Units in the Clark's Hollow Common Interest Community, located on the northeasterly side of Connecticut Route 161 (Flanders Road) between Laurel Hill Drive and Damon Heights Road in the Town of East Lyme, Connecticut; establishing the due date of said assessments providing for installment payments of assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, MYSTIC SHORELINE INVESTMENT, LLC (hereinafter "Declarant"), by Declaration recorded in Volume 677, Page 66 of the East Lyme land records (hereinafter "Declaration") proposes to develop a Common Interest Community, reserving the right to create up to a maximum of 25 Units; and

WHEREAS, it is recognized that the Common Interest Community is to be developed in stages and that all of the proposed twenty five Units may not be built, and

WHEREAS, a portion of the land subject to the Declaration previously has been assessed in accordance with a Caveat, Certificate of Notice of Installment Payment of Assessment of Benefits dated August 10, 1992 and a Notice of Sewer Assessments in

the amount of $7,838.89 and recorded on August 10, 1992 in Volume 335, Page 509 of the East Lyme land records, and the remaining portion of the land has not been assessed, and it is the intention of this Resolution to assess all of the land and all of the proposed Units and all Developmental Rights and Special Declarant Rights reserved by the Declarant, such assessment to be in lieu of the unpaid balance of the existing assessment.

NOW THEREFORE, BE IT RESOLVED, by the East Lyme Water and Sewer Commission as follows:

1. That the areas upon which the assessment is levied include the area of land more fully described and depicted in Schedule A-3 of the Declaration. Said Common Interest Community, known as "Clark's Hollow", consists of up to 25 units, each Unit to be connected to the East Lyme sewerage system. The assessment is levied upon the land and Units and Development Rights and Special Declarant Rights reserved by the Declarant, which are currently owned by MYSTIC SHORELINE INVESTMENT LLC. The owners of the individual lots to be assessed are listed on Schedule A.

2. That the Declarant has certain Development Rights and Special Declarant Rights with regard to the proposed Common Interest Community, which include the right to create Units, Common Elements and Limited Common Elements with said community.

3. That the total cost assessed for the land, Development Rights and Special Declarant Rights and the twenty-five (25) Units is $142,586.50 ($5,703.46X25+$142,586.50).

4. That there is hereby assessed upon and against the land more fully described and depicted in Schedule A-3 of the Declaration, the Development Rights and Special Declarant Rights and the Units as set forth in the Declaration and upon the present Declarant and present and future owners of the Units, a benefit assessment of $142,586.50, representing an assessment of $5,703.46 per Unit, all in accordance with the Resolution.

5. That when a certificate of occupancy is issued for a Unit, the assessment for the Unit in the sum of $5,703.46 shall become due and payable. Each Unit owner shall be responsible only for its portion of the total assessment, (i.e. $5,703.46) and shall bear no responsibility for payment of the assessment remaining against the land, Development Rights and Special Declarant Rights, and the other Units.

6. The Declarant or Unit owners of any assessed Unit may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest, or may elect to pay said assessment by installment payments made in accordance with paragraph 7 hereof.

7. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each Unit shall be made in substantially equal annual installments, the first installment to be due and payable upon the issuance of a certificate of occupancy for each Unit; each subsequent installment to be due and payable on or before March 1st of each year; and the final payment shall be due and payable no later than March 1, 2021. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. A Notice of Installment Payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

8. That interest at the rate of five percent (5%) per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 7 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

9. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes.

10. That each installment of interest shall be collectible as part of such assessment.

11. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien on the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded, enforced, collected and released in the manner provided by the Connecticut General Statutes for continuing, recording, enforcing, collecting and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as real property taxes.

12. That this assessment is in lieu of and supercedes any prior sewer assessment or assessments levied against a portion of the land.

    BE IT FURTHER RESOLVED, that the assessment of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. Notice shall be published listing the Units against which benefits have been assessed, with the amount to be paid by the Declarant or Unit Owners and a notice of the date when assessments became due and payable. A copy of the assessment of benefits shall be mailed to the Declarant and to any other Owner of property affected thereby in accordance with the Connecticut General Statutes.

SCHEDULE A

OWNER	STREET	MAP-LOT	BENEFIT
Mystic Shoreline Investment LLC	1 Clarks Lane	26.3 1	$5,703.46
Mystic Shoreline Investment LLC	2 Clarks Lane	26.3 20	$5,703.46
Mystic Shoreline Investment LLC	3 Clarks Lane	26.3 2	$5,703.46
Mystic Shoreline Investment LLC	4 Clarks Lane	26.3 19	$5,703.46
Theresa A & Steven Friedman	5 Clarks Lane	26.3 3	$5,706.46
Mystic Shoreline Investment LLC	6 Clarks Lane	26.3 18	$5,703.46
Mystic Shoreline Investment LLC	7 Clarks Lane	26.3 4	$5,703.46
Mystic Shoreline Investment LLC	8 Clarks Lane	26.3 17	$5,703.46
Mystic Shoreline Investment LLC	9 Clarks Lane	26.3 12	$5,703.46
Mystic Shoreline Investment LLC	10 Clarks Lane	26.3 16	$5,703.46
Mystic Shoreline Investment LLC	11 Clarks Lane	26.3 13	$5,703.46
Mystic Shoreline Investment LLC	12 Clarks Lane	26.3 15	$5,703.46

Mystic Shoreline Investment LLC	14 Clarks Lane 26.3 14	$5,703.46
Mystic Shoreline Investment LLC	1 Marjories Way26.3 5	$5,703.46
Mystic Shoreline Investment LLC	2 Marjories Way26.3 11	$5,703.46
Mystic Shoreline Investment LLC	3 Marjories Way26.3 6	$5,703.46
Mystic Shoreline Investment LLC	4 Marjories Way26.3 10	$5,703.46
Mystic Shoreline Investment LLC	5 Marjories Way26.3 7	$5,703.46
Mystic Shoreline Investment LLC	6 Marjories Way26.3 9	$5,703.46
Mystic Shoreline Investment LLC	8 Marjories Way26.3 8	$5,703.46
Mystic Shoreline Investment LLC	1 Williams Way 26.3 21	$5,703.46
Marilyn A. Smith, as Trustee of The Marilyn A Smith Trust	3 Williams Way 26.3 22	$5,703.46
William J & Maryann B Clancy	5 Williams Way 26.3 23	$5,703.46
Mystic Shoreline Investment LLC	7 Williams Way 26.3 24	$5,703.46
Mystic Shoreline Investment LLC	9 Williams Way 26.3 25	$5,703.46

ORDINANCE AUTHORIZING PROPERTY TAX EXEMPTION FOR CERTAIN MOTOR VEHICLES MODIFIED FOR DISABLED PERSONS

1. Pursuant to Section 12-81c (3) of the General Statutes, an exemption from personal property tax is authorized for certain modified disabled-accessible motor vehicles, owned by such disabled person or his or her parent, that are used primarily for the transportation of disabled persons.
2. A “modified disabled-accessible motor vehicle” shall be defined as any production motor vehicle that has been altered or reconfigured, or has undergone mechanical or structural changes, that is not used for commercial purposes, which permits an individual with a disability to safely drive or ride as a passenger. Vehicle modifications shall include but are not limited to:
   (a) Wheelchair or scooter loaders which mount on the roof in the passenger area or in the trunk or other storage areas of a car or other motor vehicle; and
   (b) Any vehicle which has had automotove adaptive control devices (“AACDs”) installed. AACD”s shall include any mechanical or electrical devices added to the standard motor vehicle to enable an individual with mobility restrictions to control the accelerator, foot brake, turn signals, dimmer switch, steering wheel or parking brake; and
   (c) Any vehicle equpped with ramps, stretchers or other special seating and alterations to accommodate medical equipment.
   (d) The Tax Assessor shall determine whether modifications not specifically listed in this section qualify the vehicle as a modified disabled-accessible motor vehicle.

3. Any person who desires to claim the exemption provided in this ordinance shall file with the Tax Assessor of the Town of East Lyme, before October 1 of any assessment year for which exemption is claimed, a written request for said exemption containing information sufficient to enable the Tax Assessor to make a determination of eligibility, including but not limited to a letter from a physician and documentation of the modification. Failure to file such a request in said manner shall constitute a waiver of the right to such exemption for the assessment year.

This ordinance shall be effective ten days after publication of its adoption. (Notice was published in The Day on November 10, 2005.)

TM Vol 22 page 555 Effective Nov. 20, 2005

ORDINANCE DESIGNATING ZONING COMMISSON AS AQUIFER PROTECTION AGENCY

1. The East Lyme Zoning Commission is hereby designated as the Town of East Lyme Aquifer Protection Agency, with all the authority, powers and responsibilities of local aquifer protection agencies set forth in Sections 22a-354a et seq. of the Connecticut General Stautes, as they may be amended from time to time.
2. This ordinace shall be effective ten days after publication of notice of its adoption. (Notice was published in The Day on November 10, 2005.)

TM Vol 22, page 556 Effective Nov. 20, 2005

ORDINANCE REGARDING PROPERTY TAX RELIEF FOR ELDERLY AND TOTALLY DISABLED HOMEOWNERS

Pursuant to Connecticut General Statutes Section 12-129n, property tax relief for qualified elderly and totally disabled homeowners in The Town of East Lyme is hereby provided with respect to real property owned and occupied by such residents as their principal residence, on the following terms and conditions:

(1) Applicants must be residents of the Town of East Lyme who are:

(a) Sixty-five (65) years of age or over, or whose spouses, living with them, are sixty-five (65) years of age or over and the surviving spouse of a taxpayer who has qualified under this section at the time of his death or with respect to real property for which such residents or their spouses are liable for real property taxes under Connecticut General Statutes Section 12-48: or

(b) Under age sixty-five (65) and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or have not been engaged in employment covered by Social Security and have not qualified for benefits thereunder, but are qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement Plan with requirements regarding qualifications for such permanent total disability benefits that are comparable to such requirements under Social Security, and are liable for real property taxes under Connecticut General Statutes Section 12-48.

(2) Applicants must have been taxpayers of the Town of East Lyme for ten (10) years immediately preceding their receipt of tax relief under this ordinance, and shall be current in their payment of property taxes to the Town as of the date of application.

(3) The property for which tax relief is claimed must be occupied by an applicant as his or her principal residence for more than one hundred and eighty three (183) days of each year.

(4) Applicants shall have individually, if unmarried, or jointly, if married, adjusted gross income, as shown on Internal Revenue Service 1040, Social Security benefits, and all other income, hereinafter called "qualifying income" during the calendar year preceding the filing of his or her application in accordance with the standards set forth below.

(5) Tax credits shall be provided to qualified applicants on a graduated basis in accordance with the following income and credit standards:

Qualifying Income			Tax Credit
$0.00 -		$13,300.00	$1,000.00
$13,301.00	-	$18,100.00	$ 900.00
$18,101.00	-	$22,600.00	$ 600.00
$22,601.00	-	$27,100.00	$ 400.00
$27,101.00	-	$33,000.00	$ 300.00

(a) The "qualifying income" standards in the table set forth above shall be adjusted annually in accordance with the determination of the Secretary of the Connecticut Office of Policy and Management as distributed to the assessor in accordance with Connecticut General Statutes Section 12-170aa(b)(2).

(6) Persons who qualify for property tax relief under this ordinance may also qualify for deferral of the remaining amount of taxes on qualifying real property, provided that the real property tax which would have been imposed on a qualifying taxpayer in the absence of state and local tax relief shall not be reduced by more than 75 percent by viture of the tax credit and deferment provided by this ordinance, together with all other tax relief obtained by said person pursuant to the Connecticut General Statutes. Any such deferral shall be on the following terms and conditions:

(a) All deferred taxes and interest shall be reimbursed to the town upon the death of the recipient of any tax deferral, or upon conveyance or transfer of the real property subject to tax deferral.

(b) All deferred taxes shall bear interest at the rate of six (6) percent per year. Such interest shall be simple interest, not compounded, and shall accrue from the due date of each installment until the date of reimbursement to the town.

(c) Total tax deferments, including accrued interest, for all years shall not exceed the assessed value of the real property upon which deferment has been approved.

(d) An applicant receiving a tax deferment shall enter into a written agreement with the town providing for reimbursement of all deferred taxes and interest. The principal amount of such tax deferral shall be recorded in the land records of the town and, together with the interest thereon, shall consitute a lien on the property. All deferred taxes and interest shall be payable upon death, conveyance or transfer, as set forth in Section 6(2) of this ordinance.

(7) The property tax relief provided by this ordinance shall be in addition to and not dependent upon those benefits available to qualified taxpayers under the Connecticut General Statutes provided that the town and state tax relief in any year shall not exceed one hundred (100) percent of the real propety tax which would have been imposed on a qualified taxpayer in the absence of said statutes and this ordinance.

(8) If the State of Connecticut denies the eligibility of an applicant for the portion of tax relief granted under one of the state tax relief programs, the assessor shall deny the applicant the local share of tax relief, and remove the applicant from the town's tax relief records.

(9) The total of all tax relief granted under the provisions of this ordinance shall not in any taxable year exceed an amount equal to ten (10) percent of the total townwide real property tax assessed in the Town of East Lyme in the preceding tax year.

(10) When title to real property is recorded in the name of the taxpayer or his or her spouse who receive tax relief under this ordinance and any other person or persons, the tax relief under this ordinance shall be prorated to allow tax relief equivalent to the fractional share in the property of such taxpayer or spouse. The persons not otherwise eligible for tax relief shall not receive any tax credit.

(11) Upon the sale, conveyance or transfer of the property, the new owner shall not be entitled tax relief under this ordinance. The assessor and tax collector shall prorate the increased tax liability from the date of sale or transfer and bill the new owner within a reasonable time thereafter.

(12) The tax collector and assessor shall prescribe, with regard to their respective duties under this section, such forms and procedures as may be necessary to implement this section. The assessor, in addition, shall satisfy himself or herself as to the qualifying income of an applicant for benefits under this section by requesting and reviewing such evidence of qualifying income as he or she may deem pertinent. All applications, federal income tax returns filed therewith and any additional evidence of qualifying income which the assessor may require shall be kept confidential and not open to public inspection.

(13) Applications for benefits under this section shall be filed with the assessor between February 1 and May 15, annually.

This ordinance shall be applicable to the Grand List of October 1, 2006 and all subsequent Grand Lists.

This ordinance shall be effective ten days after publication of notice of its adoption. (Notice was published in the Day on November 10, 2005.)

TM Vol 22, page 556 Effective Nov 20, 2005

ORDINANCE AUTHORIZING ADDITIONAL TAX EXEMPTION FOR VETERANS OR THEIR SURVIVING SPOUSE

(a) Any veteran entitled to an exemption from property tax in accordance with subdivision (19) of section 12-81 shall be entitled to an additional exemption, provided such veteran's qualifying income does not exceed the applicable maximum amount as provided under Connecticut General Statutes Section 12-81/, as it may be amended from time to time, plus $2,000.00. The exemption provided for under this subsection shall be applied to the assessed value of an eligible veteran's property and shall be in the amount of $5,000.00.

(b) Any veteran's surviving spouse entitled to an exemption from property tax in accordance with subdivision (22) of section 12-81 shall be entitled to an additional exemption, provided such surviving spouse's qualifying income does not exceed the applicable maximum amount as provided under Connecticut General Statutes Section 12-81/, as it may be amended from time to time, plus $2,000.00. The exemption provided for under this subsection shall be applied to the assessed value of an eligible surviving spouse's property and shall be in the amount of $5,000.00.

(c) Any such veteran or spouse submitting a claim for such additional exemption shall be required to file an application on a form prepared for such purpose by the assessor, not later than the assessment date with respect to which such additional exemption is claimed, provided when an applicant has filed for such exemption and received approval for the first time, such applicant shall be required to file for such exemption biennially thereafter, subject to the provisions of subsection (d) of this section. Each such application shall include a copy of such veteran's or spouse's federal income tax return, or in the event such a return is not filed such evidence related to income as may be required by the assessor, for the tax year of such veteran or spouse ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

(d) Any person who has submitted an application and been approved in any year for the additional exemption under subsection (a) or (b) of this section shall, in the year immediately following approval, be presumed to be qualified for such exemption. During the year immediately following such approval, the assessor shall notify, in writing, each person presumed to be qualified pursuant to this subsection of their duty to reapply for continuance of the exemption or to inform the assessor of any change in circumstances that disqualifies them from such exemption. If any such person has qualifying income in excess of the maximum allowed under said subsection (a) or (b), such person shall notify the assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption. Any person who fails to notify the assessor of such disqualification shall make payment to the municipality in the amount of property tax loss related to the exemption improperly taken.

This ordinance shall be effective on October 1, 2006.

TM Vol 22, page 572 Effective February 1, 2006

BENEFIT ASSESSMENT RESOLUTION

RESOLUTION relative to an assessment of benefits pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991, as amended on March 24, 1992 (hereinafter the "Resolution"), in connection with the land and units in the Spinnaker Common Interest Community, located on the southerly side of Connecticut Route 156 (West Main Street) opposite its intersection with Corey Lane in the Town of East Lyme, Connecticut, establishing the due date of said assessments; providing for installment payments of assessments and interest thereon.

WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut

within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provided that structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, SPINNAKER HOMES, LLC, (hereafter "Declarant"), by Declaration recorded in Volume 653, Page 12 of the East Lyme land records (hereinafter "Declaration) proposes to develop a Common Interest Community, reserving the right to create up to a maximum of 103 Units, and

WHEREAS, it is recognized that the Common Interest Community is to be developed in stages and that all of the proposed one hundred and three Units may not be built at once; and

WHEREAS, a portion of the land subject to the Declaration previously has been assessed in accordance with a Caveat – Certificate of Notice of Installment Payment of Assessment of Benefits dated August 10, 1992 and a Notice of Sewer Assessment in the amount of $7,838.89 and recorded on August 10, 1992 in Volume 335, Page 509 of the East Lyme Land Records, and the remaining portion of the land has not been assessed, and it is the intention of this Resolution to assess all of the land and all of the proposed Units and all Developmental Rights and Special Declarant Rights reserved by the Declarant.

WHEREAS, seventy eight (78) units subject to the Declaration previously have been assessed in accordance with a Caveat – Certificate of Notice of Installment Payment of Assessment Benefits in the amount of $5,828.52 dated March 17th, 2005 and recorded in Volume 700, Page 1 of the East Lyme Land Records.
NOW THEREFORE, BE IT RESOLVED, by the East Lyme Water and Sewer Commission as follows:

1. That the areas upon which the assessment is levied include the area of land more fully described and depicted in Schedules A-1 and A-3 of the Declaration, amended to and through March 16, 2005 and recorded in Volume 699, Page 658 of the East Lyme land records. Said common Interest Community, known as "Spinnaker", consists of up to 103 Units of which 78 Units having been previously assessed, and 25 Units, more particularly set forth in **Schedule "A"** attached hereto, to be assessed in accordance with this Resolution, each Unit to be connected to the East Lyme sewerage system. The assessment is levied upon the land and units and Development Rights and Special Declarant Rights reserved by the Declarant, which are currently owned by Spinnaker Homes, LLC.
2. That the Declarant has certain Development Rights and Special Declarant Rights with regard to the proposed Common Interest Community, which include the right to create Units, Common Elements and Limited Common Elements with said community.
3. That the total cost assessed for the land, Development rights and Special Declarant Rights and the twenty-five (25) Units is $146,979.25 ($5,879.17 X 25) = $146,979.25).
4. That there is hereby assessed upon and against land more fully described and depicted in Schedules A-1 and A-3 of the Declaration, amended to and through March 16, 2005 and recorded in Volume 699, Page 658 of the East Lyme land records, the Development Rights and Special Declarant Rights and the Units as set forth in the Declaration and upon the present Declarant and present and future owners of the Units, more particularly set forth in **Schedule "A"** attached hereto, a

benefit assessment of $146,979.25, representing an assessment of $5,879.17 per Unit, all in accordance with the Resolution.

5. That when a certificate of occupancy is issued for a Unit, the assessment for the Unit in the sum of $5,879.17 shall become due and payable. Each Unit owner shall be responsible only for its portion of the total assessment (i.e. $5,879.17) and shall bear no responsibility for payment of the assessment remaining against the land, Development Rights and Special Declarant Rights, and the other Units.
6. The Declarant or Unit owners of any assessed Unit may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest, or may elect to pay said assessment by installment payments made in accordance with paragraph 7 hereof.
7. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each Unit shall be made in substantially equal annual installments, the first installment to be due and payable upon the issuance of a certificate of occupancy for each Unit; each subsequent installment to be due and payable on or before May 1st of each year; and the final payment shall be due and payable not later than May 1, 2021. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. A Notice of Installment Payments will be recorded on the East Lyme Land Records as provided by the Connecticut General Statutes.
8. That interest at the rate of five percent (5%) per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 7 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.
9. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property tax.
10. That each installment of interest shall be collectible as part of such assessment.
11. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien on the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded, enforced, collected and released in the manner provided by the Connecticut General Statutes for continuing, recording, enforcing, collecting and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as real property taxes.
12. That this assessment is in lieu of and supercedes any prior sewer assessment or assessments levied against these interests in this portion of the land.

BE IT FURTHER RESOLVED, that the assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. Notice shall be published listing the Units against which benefits have been assessed, with the amount to be paid by the Declarant or Unit Owners and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Declarant and to any other Owner of property affected thereby in accordance with the Connecticut General Statutes.

SCHEDULE A

OWNER	PROPERTY LOCATION	ASSESSOR'S MAP - LOT	BENEFIT ASSESSMENT
Michael & Donna Bowers	25 Compass Ct #92	10.4 – 10.1/92	$5,879.17
David & Anne Sieben	31 Compass Ct #95	10.4 – 10.1/95	$5,879.17
Alice M & Lynne Frost	33 Compass Ct #96	10.4 – 10.1/96	$5,879.17
Mary B McDonald	26 Compass Ct #97	10.4 – 10.1/97	$5,879.17
Charles Turnbull, Trustee	24 Compass Ct #98	10.4 – 10.1/98	$5,879.17
Spinnaker Homes, LLC	2 Compass Ct #86	10.4 – 10.1/86	$5,879.17

Spinnaker Homes, LLC	4 Compass Ct #85	10.4 – 10.1/85	$5,879.17
Spinnaker Homes, LLC	6 Compass Ct #84	10.4 – 10.1/84	$5,879.17
Spinnaker Homes, LLC	8 Compass Ct #83	10.4 – 10.1/83	$5,879.17
Spinnaker Homes, LLC	10 Compass Ct #82	10.4 – 10.1/82	$5,879.17
Spinnaker Homes, LLC	12 Compass Ct #81	10.4 – 10.1/81	$5,879.17
Spinnaker Homes, LLC	15 Compass Ct #87	10.4 – 10.1/87	$5,879.17
Spinnaker Homes, LLC	16 Compass Ct #102	10.4 – 10.1/102	$5,879.17
Spinnaker Homes, LLC	17 Compass Ct #88	10.4 – 10.1/88	$5,879.17
Spinnaker Homes, LLC	18 Compass Ct #101	10.4 – 10.1/101	$5,879.17
Karen Camlet, Trustee	19 Compass Ct #89	10.4 – 10.1/89	$5,879.17
Spinnaker Homes, LLC	20 Compass Ct #100	10.4 – 10.1/100	$5,879.17
Spinnaker Homes, LLC	21 Compass Ct #90	10.4 – 10.1/90	$5,879.17
Theresa Miller	22 Compass Ct #99	10.4 – 10.1/99	$5,879.17
Spinnaker Homes, LLC	23 Compass Ct #91	10.4 – 10.1/91	$5,879.17
Philip & Theresa Prior	27 Compass Ct #93	10.4 – 10.1/93	$5,879.17
James & Linda McQueen	29 Compass Ct #94	10.4 – 10.1/94	$5,879.17
Spinnaker Homes, LLC	14 Compass Ct #103	10.4 – 10.1/103	$5,879.17
Spinnaker Homes, LLC	7 Windward Dr #79	10.4 – 10.1/79	$5,879.17
Spinnaker Homes, LLC	9 Windward Dr #80	10.4 – 10.1/80	$5,879.17

Filed March 20, 2006 by David J. Funke, Finance Director

SUPPLEMENTAL BENEFIT ASSESSMENT RESOLUTION

RESOLUTION relative to a supplemental assessment of benefits pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991, as amended on March 24, 1992 (hereinafter the "Resolution"), in connection with various properties located in the Town of East Lyme, Connecticut, establishing the due date of said assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that assessments may be deferred until approval of a subdivision plan for excess property by the planning commission, at which time assessment shall be made in accordance with the terms of said Resolution; and

WHEREAS, the properties hereinafter specified are subdivided portions a tract known as Stonington Estates for which a subdivision plan has been approved by the planning commission and which is on file with the Town of East Lyme; and

WHEREAS, it is the intention to levy assessments upon said properties in accordance with Section 7-249 of the Connecticut General Statutes and the Resolution.

NOW THEREFORE, BE IT RESOLVED, BY THE East Lyme Water and Sewer Commission as follows:

1. The owners, properties and the amount of the assessments hereby levied upon said property are as follows:

OWNER	PROPERTY/ LOCATION	MAP/LOT	SUPPLEMENTAL ASSESSMENT

Colleen Casey & Mark D. Lyon	2 Old Stone Way	10.3/13.14	$7,838.89
Eric & Jessica Batchelor	3 Old Stone Way	10.3/13.3	$7,838.89
Marne A & Charlotte G. Dubs	15 Old Stone Way	10.3/13.8	$7,838.89
KS East Lyme Associates, LLC	1 Old Stone Way	10.3/13.2	$7,838.89
	4 Old Stone Way	10.3/13.3	$7,838.89
	5 Old Stone Way	10.3/13.4	$7,838.89
	6 Old Stone Way	10.3/13.12	$7,838.89
	7 Old Stone Way	10.3/13.5	$7,838.89
	8 Old Stone Way	10.3/13.11	$7,838.89
	9 Old Stone Way	10.3/13.6	$7,838.89
	10 Old Stone Way	10.3/13.10	$7,838.89
	11 Old Stone Way	10.3/13.7	$7,838.89
	12 Old Stone Way	10.3/13.9	$7,838.89

2. That the assessments set forth in Paragraph 1 hereof shall be due and payable on March 1, 2007, or when a certificate of occupancy is issued for any Unit on that lot. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. The owners (s) of any assessed property may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest or may elect to pay said assessment by installment payments made in accordance with paragraph 3 hereof.

3. If the election is made to pay said assessment by installment payments, the assessment for each property shall be made in substantially equal annual installments, the first installment to be due and payable on the next March 1st following the issuance of a certificate of occupancy, each subsequent payment of an installment to be due and payable on or before March 1st of each year, and the final payment shall be due and payable not later than March 1, 2022. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. Notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

4. That interest at the rate of five percent (5%) per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 3 above. Any person may pay any installment or installments for which he is liable at any time prior to the due date thereof.

5. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property taxes.

6. That each installment of interest shall be collectible as part of such assessment.

7. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing real propety tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as real property taxes.

BE IT FURTHER RESOLVED, that the assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. Notice shall be published listing the proposed properties against which benefits have been assessed, with the amount to be paid by the Owner(s) and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Owner(s) of each property affected thereby in accordance with the Connecticut General Statutes.

Filed by David Funke, Finance Director, May 19, 2006.

ORDINANCE CONCERNING YOUTH SERVICES COMMISSION

1. There shall be a seven-member Commission on Youth Services. The Commission shall act as an advisory board to the Board of Selectmen with regard to those matters which relate to the youth of the Town, and shall plan, coordinate and oversee the implementation of programs of the Commission to meet the needs of such young people.
2. The Commission on Youth Services shall adhere to the Connecticut Youth Services Association Mission Statement as established by Connecticut State Statutes in promoting the healthy development of East Lyme/Salem children, youth and families through advocacy, education and training.
3. The Commission shall be comprised of seven public members who shall be East Lyme residents and who have a primary interest in promoting the well being of the youth population of the Town and may include representatives from public agencies with statutory responsibilities for youth and private sector organizations representing community social institutions. In addition, the following shall serve as *ex officio* members of the Commission: (1) one member designated by the Board of Education; (2) one member representing the Police Deparment; (3) one member who is a representative of East Lyme youths; (4) the Youth Services Administrator and (5) a non-voting ex-officio member from Salem.
4. The terms of the public members of the Commission shall be four (4) years. In 2006, three (3) members shall be appointed for terms that expire on the first Monday of January, 2008 and four members shall be appointed for terms that expire on the first Monday of January, 2010.
5. The Youth Services Administrator shall:
   5.1 Serve as an *ex-officio* member of the Commission on Youth Services.
   5.2 Make recommendations to the Commission on Youth Services concerning needs of East Lyme youth and other matters concerning young people of the Town.
   5.3 Make recommendations to the Commission on Youth Services for plans and implementation of programs to meet the needs of East Lyme youth.

5.4 Coordinate and supervise the implementation of Commission-approved plans and programs.
5.5 Apply for and administer grant and benefit programs.
5.6 Work with the Commission to prepare the Commission budget.
5.7 Submit written reports as required, and cooperate with the chairperson of the Commission in writing the Annual Report to be submitted to the Board of Selectmen, summarizing the year's activities, plans and recommendations for the future.
5.8 Develop and implement programs with other agencies related to youth.
5.9 Remain accessible to East Lyme/Salem youths.

Effective July 10, 2006 TM Vol 22, page 598

SANITARY SEWER BENEFIT RESOLUTION
FOR SEWER MAIN EXTENSION NO. 3

RESOLUTION relative to an assessment of benefits for Extension No. 3 of the public sanitary sewerage system, known generally as the "Smith Avenue/Smith Street Extension" installed in the Town of East Lyme, Connecticut, establishing the due date of said assessments; providing for installment payments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission (hereinafter the "Commission"), the duly established municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme exercising its statutory authority under the laws of the State of Connecticut, has heretofore accepted the public improvements known as Extension No. 3 of the Town's public sanitary sewerage system, said improvements being more particularly described in as-built plans and specifications on file with the Commission; and

WHEREAS, the Connecticut General Statutes provide in part that at any time after a muncipality by its Water Pollution Control Authority has authorized the acquisition or construction of a sewerage system, or portion thereof, the Water Pollution Control Authroity may apportion and assess the whole or any portion of the cost thereof upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings according to said Connecticut General Statutes and such rules as the Commission adopts;

NOW, THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission, as follows:

1. That the area within which sewer assessments are due for Extension No. 3 of the Town's public sanitary sewers include all properties abutting or actually making use of the public sanitary sewer system in said extension area. By and large, Extension No. 3 begins at the intersection of Smith Avenue and Main Street (Connecticut Route 156) and runs in a general northerly direction in and along Smith Avenue for a distance of approximately one thousand and three hundred (1300') feet, more or less, to the intersection of Smith Avenue and Smith Street; thence running in a generally westerly direction in and along Smith Street to the Connecticut Military Department Campground, presently known as "Camp Rell," as more particuarly shown on as-built plans and specifications on file with the Commission. The owners, properties and the

amounts of the assessments hereby levied upon said properties are listed on **Schedule "A",** attached hereto.

2. That the Commission has considered the zoning classification and actual use in allocating assessments among the benefited properties as shown on Assessor's records of the Town of East Lyme on the Grand List of October 1, 2005. Because the zoning classification and actual use of the properties benefited by Extension No. 3 is a mixture of residential and commercial uses, the Commission has categorized those benefits respectively to a residential category, consisting of single family and two family residences and units of any common interest community used for residential purposes, and a commercial category, consisting of multi-family residences of more than two (2) units and all commercial uses, and has established general rules of assessment for the above described assessment area, as follows:

RESIDENTIAL ASSESSMENTS

All residential assessments shall be set at a Flat Rate.

Residences shall include residentially or commercially zoned single family residences containing one or two dwelling units.

Under this section "dwelling unit" shall be defined as a building, or a part thereof, containing complete housekeeping facilities for one family.

"Family" shall be defined as one or more persons who live together and maintain a common household.

"Lot" shall be defined as a separate parcel of land located in a residential zone and which lot is vacant or contains a residential dwelling as shown on the East Lyme Assessor's maps on October 1, 2005. Any lot created after the date of this resolution shall be assessed in accordance with the terms of this resolution.

In calculating units the following residential lots shall equal one (1) unit: (1) a vacant lot; (2) a lot with single dwelling. A lot with multiple dwellings shall equal one (1) unit plus one (1) unit per dwelling for every dwelling after the first dwelling.

When any lot subject to assessment under any provision of this Resolution is declared to be subject to the Connecticut Common Interest Ownership Act, each unit of such common interest community used for residential purposes shall be assessed individually at the Flat Rate as of the date of the Declaration or the effective date of this Resolution, whichever is later. Units of such common interest community not used for residential purposes shall be assessed according to the formula for Commercial Assessments.

The assessment for those properties used as a single family residence shall be as follows:

A "Flat Rate" of Nine Thousand, Eight Hundred and Fifteen Dollars and Thirty-One Cents ($9,815.31).

COMMERCIAL ASSESSMENTS

All commercial assessments shall be determined by Formula. The Formula shall take into consideration a parcel's acreage (21% of total allocation), frontage (21% of total allocation), grand list valuation (21% of total allocation), and number of units by zoning classification (37% of total allocation) in allocating among the benefited properties as shown on Assessor's records of the Town of East Lyme on the Grand List of October 1, 2005, to each parcel a portion of the total assessment of $315,436.60. Commercial properties include specified town properties and residentially zoned multi-family dwellings with more than two (2) units and all commercial uses. The allocation of benefit assessments shall be calculated as follows:

Formula: (21% frontage + 21% acreage + 21% assessed 1991 land value + 37% units)

For example:

Benefit Assessment = $41.40 (indexed) x frontage + $3,032.30 (indexed) x acreage + $0.14 (indexed) x assessed 1991 land value + $2,417.93 (indexed) x # of units.

An example of indexed values formula property assessment is: Benefit Assessment = $41.40 x 240.88 feet + $3032.30 x 1.97 acres + $0.14 x $137,900 + $2,417.93 x 3 units (commercial zone) = $41,915.29.

Following the Formula as set forth above, consideration has been given to area, frontage, grand list valuation, property use and potential use, classification and other relevant factors concerning the benefited properties as called for in the Connecticut General Statutes. The following rules and definitions apply to the assessments:

a. Frontage, Land Valuation, Acreage and Unit Charge. The frontage, land valuation, acreage and unit charge method shall be adopted as the basis of apportioning the total collectible sewerage collection system costs between the total assessable frontage, the total assessable land valuation, the total collectible assessable acreage, and the total assessable units in each particular category.
b. Determination of Frontage Rates. The frontage rate shall be obtained by dividing the total assessable frontage in each particular category into twenty-one (21%) percent of the total collectible sewerage system costs to be collected from that category.
c. Determination of Land Valuation Rate. The land valuation rate shall be obtained by dividing the total assessable land valuation in each particular category into twenty (21%) percent of the total collectible sewerage system costs to be collected from that category. Total assessable land valuation shall be determined as shown on the assessor's records of the Town of East Lyme on the Grand List of October 1, 1991.
d. Determination of Acreage Rate. The actual acreage rate shall be determined by dividing the total assessable acreage in each particular category into twenty-one (21%) percent of the total collectible sewerage system costs to be collected from that category.
e. Determination of Unit Charge. The unit charge shall be obtained by dividing the total number of units in each particular category into thirty-seven (37%) percent of the total collectible sewerage system costs to be collected from that category.

f. Application of Frontage, Land Valuation, Acreage Rates and Unit Charge Rates. The frontage, land valuation, acreage and unit charge rates, when applied to the assessable frontage, assessable land valuation, assessable acreage and assessable unit of each benefited property in a particular category, shall determine the total sewer assessment upon each benefited propety benefited by this project in a particular category.

g. Determination of Frontage, Land Valuation, Acreage and Unit Charge in Particular situations. The rules for determining frontage, land valuation and acreage in the following particular situtation shall be as follows:

Rule g.1 Straight frontage lots. All street lots within a block shall be measured only on the side fronting the sewer.

Rule g.2 Corner lots. All corner lots shall be measured at half the sum of all sides fronting the sewer if more than one side fronts the sewer.

Rule g.3 Lots on outside corner. If a corner is already divided among two or more lots, said lots shall not be considered corner lots.

Rule g.4 Lots facing cul-de-sacs. Lots which have half or more than half of their actual front footage on the curved section of a cul-de-sac shall have the front footage calculated as the chord length of the curved section, plus the actual length of any straight line front footage. If less than half of the actual front footage is curved, the assessed front footage shall be the actual front footage.

Rule g.5 Through lots. All lots which run from one side of a block to another, thus fronting on two sewered streets, shall be measured at half the sum of the sides fronting the sewer, provided that in any event no more than four hundred (400) feet shall be assessed in a residential zone and any excess footage in a residential zone shall be deferred.

Rule g.6 Residential lots with more than four hundred (400) feet sewered frontage. Lots zoned for residential use which have more than four hundred (400) feet of sewered frontage shall be assessed on the basis of four hundred (400) feet and the assessment of the remaining frontage shall be deferred.

Rule g.7 Residential lots which exceed four acres. In the case of lots zoned for residential use which have area exceeding four acres, the non-deferrable assessment will be on four acres. The remaining asssessment will be deferred. In determining the valuation of the four acres, the valuation of the acreage of the house lot or any special use of the acreage normally carried on the assessor's card will be assessed. After taking that figure there will be added to it an amount determined by dividing the remaining assessed valuation by the remaining acreage and multiplying by the difference between the four nondeferrable acres and the house lot or special acreage referred to above.

Rule g.8 Residentially zoned acreage valued at same rate. In the case of property zoned for residential use where no residential or special use acreage is assessed, and all acreage is assessed at the same rate, the valuation of four non-deferrable acres will be computed by dividing the total assessed valuation by the total acreage and multiplying by four. The remainder will be deferred.

Rule g.9 Through lots of more than four acres on a sewered street with a structure on a non-sewered street. When a structure is located on a parcel of land zoned for residential use, and said parcel of land exceeds four acres, and said structure is located on a non sewered street, but said parcel also extends to a sewered street, in determining the land valuation of the said four acres one acre will be assessed on the sewered street at the street price with a twenty-five percent (25%) depreciation for a vacant lot. The value of the normal

one-acre residential lot will be assessed and non-deferrable. The value of the remaining one (1) acre of non-deferrable land will be determined by dividing the remaining assessed valuation by the remaining acreage. Any assessment in excess of the amount determined as hereinabove provided shall be deferred.

Rule g.10 Physical use of residential zoned land. In all cases where physical use of property in residential zones exceeds four acres and/or four hundred (400) feet frontage on a sewer line, the actual physical use will be used for non-deferrable assessment. The remainder will be deferred.

Rule g.11 Sewer crossings. Where a public sewer crosses a lot, frontage shall be measured as the effective property distance crossed. Both street sewer frontage and crossing frontage shall be assessed. However, if a property has both street sewered frontage and crossing frontage, the crossing frontage will be deferred. Crossings on back and/or side yards shall be exempt if zoning regulations would not permit the lot to be divided into additional building lots.

Rule g.12 Utility easements and electrical transmission lines. Any lot, totally subject to a utility easement for electrical transmission lines so as not to be capable of other beneficial use, shall not be assessed.

Rule g.13 Utility owned land. Where utility companies own land in a residential zone in excess of four acres and the physical use of the land may exceed four acres because it is occupied by power lines and/or other structures which would prohibit further development and/or improvement, only four acres will be non-deferrable. The remainder will be deferred. Where utility companies own land in a residential zone with frontage in excess of four hundred (400) feet and the physical use of frontage on the sewer line exceeds four hundred (400) feet because of power lines and/or other structures as set forth herein, only four hundred (400) feet of frontage will be non-deferrable. The remainder will be deferred.

Rule g.14 Wasteland. Any single lot too narrow to build on shall be exempt from assessment. Regardless of the zone, land assessed as waste land by the assessor shall be exempt.

Rule g.15 Property in one parcel located in different zones. Whenever one portion of a parcel of property is located in a residential zone and another portion of said parcel is located in a zone other than a residential zone, the property shall be treated for purposes of determining entitlement to deferred assessments as if it were two parcels with only so much of the property as is located in the residential zone being entitled to be considered for deferments.

Rule g.16 Partially sewered frontage. In those cases in which property is serviced by a sewer line but the sewered frontage does not coincide with the entire frontage, the front footage assessed will be based on the entire front footage fronting on the sewered street.

Rule g.17 No actual sewered frontage. In the case of a property which will be connected to the sewer but has no actual sewered frontage, no frontage will be assessed.

Rule g.18 Lots abutting sewered street by right of way only. In the case of any lot which abuts a sewered street by right of way only, frontage shall be determined by measuring the width of the right of way.

Rule g.19 Sloping lots. Whenever a negative slope from the existing street sewer line makes a gravity connection to an existing detached single family dwelling possible, the Town will provide suitable ejectors and no further credit will be allowed.

Rule g.20 Public or quasi public properties. All property otherwise assessable shall be assessed under the rules hereinbefore and hereinafter provided for private properties notwithstanding their public or quasi public

nature with the sole exceptions: sewage pumping stations, sewage treatment plants, cemeteries, property owned in fee simple by the state of Connecticut or the United States of America or any other property exempted by state or Federal, Public or Private Act from assessment.

Rule g.21 Paper streets. In the case of a right of way or paper street leading nowhere and serving no acreage in common ownership with the right of way or paper street, no assessment will be made of the paper street.

Rule g.22 Property classified as farm land, forest land or open space pursuant to the Connecticut General Statutes. Any property which on the effective date of this Resolution is properly classified as farm land, forest land or open space, pursuant to the Connecticut General Statutes, which property is not otherwise zoned residential, shall be treated as if it were zoned residential for purposes of detemining an entitlement to a deferred assessment by reason of excess acreage, excess frontage or excess valuation. Said treatment shall continue for so long as the property continues to be so classified.

Rule g.23 Land abutting sewer line in unimproved and unaccepeted street. Any land abutting a sewer line which line was constructed by the Town in a street shown on an approved subdivision map shall be subject to assessment in accordance with the foregoing rules not withstanding the fact that the street has neither been built nor accepted.

Rule g.24 Railroad owned land. Where land owned by a railroad company is used solely as a road bed or rail right of way such property will not be assessed.

Rule g.25 Beaches. Where land owned by a beach association is used solely for beach purposes and contains no structures, such beach will not be assessed.

h. Calculation of units. In calculating units the following additional rules shall apply:

Rule h.1 Residential Zone

i. Vacant Lot – 1 unit.

ii Lot with single dwelling – 1 unit.

iii Lot with multiple dwelling – 1 unit plus plus 1 unit per dwelling for every dwelling after the first dwelling.

Rule h.2 Commercial/Special Use Zone:

i. Vacant Lot – 3 units

ii Lot with commercial structures – 3 units

iii Lot with or without commercial structures and dwelling or dwellings -3 units plus an additional unit for each dwelling

iv. Lot with hotel or motel – 3 units plus 1 additional unit for each three guest rooms

v. Any property in a commercial/special use zone which is divided after the date of this resolution shall not be reassessed except in accordance with Paragraph 2 (i) contained herein.

Rule h.3 Industrial Zone

i. Vacant Lot – 5 units

ii. Lot with industrial structure – 5 units

iii. Lot with or without industrial structure and dwelling or dwellings – 5 units plus an additional unit for each such dwelling

iv. Lot with hotel or motel – 5 units plus 1 additional unit for each three guest rooms.

i. Later Expansion.

Whenever any structure is constructed or expanded after the effective date of this Resolution, such structure shall be assessed according to the terms of the Resolution as if such structure had existed on the effective date of the Resolution, provided that the amount of any deferred assessment levied against the same land, or that portion of

any deferred assessment levied againt the same land which is the site of a subsequent structure shall be credited against any assessment due. Th owner, builder or developer shall pay for the entire installation if a sewer extension is necessary to service the property, including all expenses incidental thereto in accordance with Section 5 of the Sewer Use and Sewage Disposal Ordinance. There shall be no credit against the benefit assessment for these costs.

j. Deferred Assessments.
Deferred assessment shall be deferred until such excess land shall be built upon or a building-permit issued therefore, or until approval of a subdivision plan of such excess property by the planning comission having jurisdiction, whichever event occurs first, at which time assessment shall be made as provided herein. Provided further that the total deferred benefit to be assessed against lots used for single family residences shall not exceed the flat rate established herein times the number of such single family lots established. No lien securing payment shall be filed until property is assessed.

3. That there is hereby assessed upon and against the lands and upon the owners of each property or unit of a common interest community affected by the foregoing public improvement which the Commission has found to be especially benefited by said public improvement, the benefit assessments shown after the name of the affected property owners and in the amount due column, being the amount of the owners' due proportion of the public improvement as assessed in accordance with the decision of the Commission. The benefited properties are listed by street and number according to names of owners; indicating the front footage, the land valuation, the acreage, the number of units, and the total due assessment, as applicable, and are more particularly set forth in **Schedule "A"** attached hereto.
4. That the owners of houses, buildings, units of a common interest community or other structures used as residences and located on the parcels of land abutting sanitary sewer Extension No. 3, more particularly described in **Schedule "A"** attached hereto, may opt to connect said houses, buildings, units and structures to the sewer, at their own expense, by written application to the Water and Sewer Commission. The obligation to make payment of the benefit assessment, and the interest thereof, shall not accrue until such time as the owners connect to the sewer. Said assessment shall be due and payable at the time when the owners connect to the sewer. The owners may pay the entire amount of the assessment in full on or before the date of connection without interest or pay said assessment by installment payments made in accordance with Paragraph 6 hereof.

Provided, however, that if an existing subsurface disposal system servicing any of such houses, buildings, units or structures is not approved by the East Lyme Director of Health, or should the system fail at any time after said approval, or should a change in use of the premises require an expansion or improvement of an existing subsurface disposal system, a connection to the sewer system must be made within one hundred twenty (120) days after being ordered to do so by the Commission, subject to the public hearing and appeal rights provided for in Connecticut General Statutes Section 7-257, *et seq.* Provided further, that houses, buildings, units or structures constructed during or after the installation of sanitary sewer Extension No. 3 shall be connected with the sewer in accordance with the provisions of this ordinance, within one hundred twenty (120) days after being ordered to do so by the Comission.

5. That the assessments set forth in Paragraph 3 shall be due and payable on March 1, 2007, or when a certificate of occupancy is issued for any Unit on that lot, or when the owners connect tot the sewer, as provided in Paragraph 4, whichever is later. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. The owners of any assessed property may pay the entire amount of the assessment in full on or before the date that it is due and payable without

interest or may pay said assessment by installment payments made in accordance with Paragraph 6 above.

6. If the election is made to pay said assessment by installment payments, the assessment for each property shall be made in (20) twenty substantially equal annual installments, the first installment to be due and payable on the next March 1st following the date of this Resolution or the issuance of a certificate of occupancy or when the owners connect to the sewer, whichever is later. Each subsequent payment of an installment will be due and payable on or before March 1st of each subsequent year. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. Notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

   Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversay date after such installment was due and payable, then the entire principal sum, together with all accrued interest, shall become due and payable, together with attorney's fees and costs of collection.
7. That interest at the rate of five (5%) percent per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in Paragraph 6 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof. Property owners may pay the entire assessment in full at such time as determined by resolution of the Commission without incurring any interest charges.
8. That benefit assessment or any installment thereof not paid within (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner provided by the General Statutes for delinquent property taxes, together with attorney's fees and costs of collection.
9. That each addition of interest shall be collectible as part of such assessment.
10. That whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in Paragraph 8 above or Five ($5.00) Dollars, whichever is greater.
11. Any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording, and releasing property tax liens. Each lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property taxes.

BE IT FURTHER RESOLVED, that the installation of said public improvements as described hereinbefore, shall now be deemed duly and legally authorized; that said improvements have been duly and legally accepted by the Town of East Lyme; and that all assessments and benefits stated herein and in the public record of the Town of East Lyme Water and Sewer Commission shall be deemed duly and legally made. The Chairman of the Water and Sewer Authority shall cause a notice to be published listing properties against which benefits have been assessed, with the amount to be paid by each such owner and a notice of the date when assessments are due and payable in accordance with Chapter 103 of the Connecticut General Statutes as amended. Said Chairman shall also cause to be mailed, postage prepaid, a copy of the assessment of benefits addressed to the owners of each property affected thereby at such owners' addresses as shown in the last completed grand list of the municipality or at any later addresses of which the Commission may have knowledge.

(For a complete list of names, refer to Water and Sewer Commission filed for 2006. This list encompasses Smith Avenue and 2 addresses on Morton Street and one on Grand Street.)

Filed by David Funke, Finance Director on October 24, 2006

SUPPLEMENTAL SEWER
ASSESSMENT RESOLUTION

RESOLUTION relative to a supplemental assessment of benefits pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991, as amended on March 24, 1992 (hereinafter the "**Resolution**"), in connection with various properties located in the Town of East Lyme, Connecticut, establishing the due date of said assessments, providing for installment payments of assessments and interest thereon;
WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, the properties hereinafter specified contain structures which were constructed or expanded after the adoption of the Resolution; and

WHEREAS, it is the intention to levy supplemental assessments upon said properties in accordance with Section 7-249 of the Gonnecticut General Statutes and the Resolution.

NOW THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission as follows:

1. The owners, properties and the amounts of the assessments hereby levied upon said properties are as follows:

OWNER	PROPERTY LOCATION	ASSESSOR'S MAP/LOT	SUPPLEMENTAL ASSESSMENT
Maskell, Evelyn	10 W Main St	11.2/9	$5,011.07
Navarro, Anne W.	114 Old Black Pt Rd	5.1/24	$7,838.89

2. That the assessments set forth in Paragraph 1 hereof shall be due and payable on **March 1, 2008.** The owner(s) of any assessed property may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable without interest, or may elect to pay said assessment by installment payments made in accordance with paragraph 3 hereof.
3. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each property shall be made in substantially equal annual installments, the first installment to be due and payable on or before March 1st of each year, and the final payment shall be due and payable no later than **March 1, 2023**. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. Notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

4. That interest at the rate of **five percent (5%)** per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 3 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

5. That the assessment or any installment thereof, if not paid within thirty (3) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property taxes.

6. That each installment of interest shall be collectible as part of such assessment.

7. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien again the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in same manner as real property taxes.

8. That these supplemental assessments are in addition to sewer benefit assessments previously levied against there properties.

BE IT FURTHER RESOLVED, that the assessment of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East lyme should be deemed duly and legally made. Notice shall be published listing the proposed properties against which benefits have been assessed, with the amount to be paid by the Owner(s) and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Owner(s) of each property affected thereby in accordance with the Connecticut General Statutes.

Filed by David Funke April 23, 2007

BENEFIT ASSESSMENT RESOLUTION
FOR SEA SPRAY CONDOMINIUMS

RESOLUTION relative to an assessment of benefits of the public sanitary sewerage system pursuant to the resolution adopted by the East Lyme Water and Sewer Commission on August 27, 1991, as amended on March 24, 1992 (hereinafter the "Resolution"), in connection with the land and units known generally as the Sea Spray Condominiums ("Sea Spray"), located at 15 Freedom Way (Lot 28, East Lyme Assessor's Map 9.0) and 22 Liberty Way (Lot 28-1 East Lyme Assessor's Map 9.0); establishing the due date of said assessments; and providing for installment payments of assessments and interest thereon:

WHEREAS, the East Lyme Water and Sewer Commission (hereinafter the "Commission"), the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme has

heretofore adopted a Resolution relative to the assessment of benefits for public sanitary sewerage system installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that structures constructed or expanded after the adoption of the Resolution are to be assessed in accordance with the terms of said Resolution; and

WHEREAS, SEA SPRAY HOMES, LLC., (hereinafter "Declarant"), by Declaration recorded in Volume 745, Page 280 of the East Lyme land records (hereinafter "Declaration") has proposed to develop a Common interest Community, reserving the right to create up to a maximum of 110 Units; and

WHEREAS, it is recognized that the Common Interest Community is to be developed in stages and that all of the proposed one hundred and ten Units may not be built at once; and

WHEREAS, a portion of the land subject to the Declaration previously has been assessed in accordance with a Caveat – Certificate of Notice of Installment Payment of Assessment of Benefits dated August 20,1992 and a Notice of Sewer Assessment in various amounts and recorded on August 10, 1992 in Volume 335, Page 430 of the East Lyme Land Records, and the remaining portion of the land has not been assessed, and it is the intention of this Resolution to assess all of the land and all of the proposed Units and all Development Rights and Special Declarant Rights reserved by the Declarant.

NOW THEREFORE, BE IT RESOLVED, by the East Lyme Water and Sewer Commission as follows:

1. That the areas upon which the assessment is levied include the area of land more fully described and depicted in Schedules A-1 and A-3 of the Declaration. Said Sea Spray Common Interest Community consists of up to 110 Units, more particularly set forth in **Schedule "A"** attached hereto, to be assessed in accordance with this Resolution, each Unit to be connected to the East Lyme sewerage system. The assessment is levied upon the land and Units and Development Rights and Special Declarant Rights reserved by the Declarant, which are currently owned by Sea Spray Homes, LLC.
2. That the Declarant has certain Development Rights and Special Declarant Rights with regard to the proposed Common Interest Community which include the right to create Units, Common Elements and Limited Common Elements with said community.
3. That the total cost assessed for the land, Development rights and Special Declarant Rights and the one hundred ten (110) Units is **$646,708.70.**
4. That there is hereby assessed upon and against the land more fully described and depicted in Schedules A-1 and A-3 of the Declaration, the Development Rights and Special Declarant Rights and the Units as set forth in the Declaration and upon the present Declarant and present and future owners of the Units, more particularly set forth in **Schedule "A"** attached hereto, a benefit assessment of $646,708.70, representing an assessment of **$5,879.17** per Unit, all in accordance with the Resolution.
5. That when a certificate of occupancy is issued for a Unit, the assessment for the Unit in the sum of $5,879.17 shall become due and payable. Each Unit owner shall be responsible only for its portion of the total assessment (i.e.$5,879.17) and shall bear no responsibility for payment of the assessment remaining against the land, Development Rights and Special Declarant Rights, and the other Units.
6. The Declarant or Unit owners of any assessed Unit may elect to pay the entire amount of the assessment in full on or before the date that it is due and payable

without interest, or may elect to pay said assessment by installment payments made in accordance with Paragraph 7, hereof.

7. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each Unit shall be made in **fifteen (15)** substantially equal annual installments, the first installment to be due and payable upon the issuance of a certificate of occupancy for each Unit; each subsequent installment to be due and payable on or before **May 1st** of each year; and the final payment shall be due and payable no later than May 1, 2022. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. A Notice of Installment Payments will be recorded on the East Lyme Land Records as provided by the Connecticut General Statutes.
8. The interest at the rate of **five percent (5%)** per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 7 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.
9. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property.
10. That each installment of interest shall be collectible as part of such assessment.
11. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien on the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded, enforced, collected and released in the manner provided by the Connecticut General Statutes for continuing, recording, enforcing, collecting and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as real property taxes.
12. That this assessment is in lieu of and supercedes any prior sewer assessment or assessments levied against these interests in this portion of the land.

BE IT FURTHER RESOLVED, that the assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme shall be deemed duly and legally made. Notice shall be published listing the Units against which benefits have been assessed, with the amount to be paid by the Declarant or Unit Owners and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Declarant and to any other Owner of property affected thereby in accordance with the Connecticut General Statutes.

See Water and Sewer Commission files for 2007 for complete listing of names. Areas Affected are 22 Liberty Way and 15 Freedom Way.

Filed by David Funke, Finance Director on April 23, 2007.

ETHICS ORDINANCE

Section 1. Declaration of Policy and Purpose

Public Office is a public trust. In order for our Town government to function most efficiently, the trust of the public is critical. Public policy developed by government officials and employees impacts every citizen and property owner of the town, and as such, must be consistently based on honest and fair deliberation and decisions. The process of policy formulation and decision making must be free from threats,

favoritism, undue influence and even the appearance of impropriety so that the confidence of the public in our town government is maintained.

Section 2. Applicability

1. The Code shall apply to all Public Town Officials and Town Employees whether elected or appointed, paid or unpaid.
2. All of the above shall be referred to hereinafter as "persons governed by this Code."
3. A provision of this Code shall not be applicable if it conflicts in whole or in part with any provisions of any labor agreement, employment contract or state statute.

Section 3. Definitions

For the purposes of this Code of Ethics, the following terms shall have the indicated meanings:

a) "Agency" is any board, Commission, department, authority and advisory committee of the Town.
b) "Business" means any entity through which business for profit or not for profit is conducted including a corporation, company, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed person.
c) "Confidential Information" means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such a nature that it is not at the time of transmission a matter of public record or public knowledge.
d) "Financial Interest" means pecuniary or material benefit accruing to a town official or employee as a result of a contract, transaction, decision or other matter which is, or may be, the subject of any official act or action by or with the Town of East Lyme except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all persons and and/or property owners similarly situated.
e) "Gift," means anything of value in excess of $25.00.

The term "Gift" does <u>not</u> include:

1) a political contribution otherwise reported as required by law or a donation or payment as described in Conn. Gen. Stat. Sec. 9-333b(b)(9) or (11):
2) services provided by Persons volunteering their time;
3) a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of Business;
4) a Gift received from (A) an Individual's spouse, fiancé or fiancée, (B) the parent, brother or sister of such spouse or such Individual, or (C) the child of such Individual or the spouse of such child;
5) goods or services which are provided to the town of East Lyme and facilitate governmental action or functions;
6) a certificate, plaque or other ceremonial award.
7) printed or recorded informational material germane to governmental action or functions;
8) an honorary degree bestowed upon a Public Official or Public Employee by a public or private university or college;
9) a meal provided at an event and/or the registration or entrance fee to attend such an event, in which the Public Employee or Public Official participates in his official capacity;
10) a meal provided in the home of an Individual.

11) Gift-giving occasions, generally recognized by the public, including Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, First Communions, confirmations or bar/bat mitzvahs, provided the total value of such Gifts for each person for each event shall not exceed $25.00 per calendar year.

f) "Immediate Family" means spouse, parent, grandparent, child, grandchild, stepchild, sibling, stepsibling, all in-laws, and/or any individual who has a family-like relationship and/or who resides in the household.

g) "Town Official, Officer or Employee" means an individual whether elected or appointed, whether paid or unpaid, full or part time, including members and employees of any Agency of the Town.

h) "On the record" means a writing, signed and dated, or a directive to the recording secretary of a meeting to note in the minutes a particular statement.

i) "Personal Beneficial Interest" means any interest, other than financial, which would affect the action of the official or employee. Membership in or affiliation with a social, fraternal, charitable, service, education, religious, governmental or similar non-profit organization is not deemed to automatically create a personal interest.

<u>Section 4. Standards of Conduct</u>

I. Conflict Of Interest

A. A person governed by this Code shall not engage in or participate in any business or transaction, nor have an interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest, or would tend to impair his or her independent judgment or action in the performance of his or her official duties.

B. A person governed by this Code shall not be financially interested or have any personal beneficial interest, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the board, agency or commission of which he or she is a member, or of which he or she is an employee. Notwithstanding the above, no member of the Board of Selectmen and no member of the Board of Finance shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by any board, agency, or commission of the Town.

1. A Town official, officer or employee shall refrain from voting upon or otherwise participating in any matter if he/she, or a member of his/her immediate family, has a financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the municipality.
2. Notwithstanding the prohibition in subsection B (a) of this section, a Town official, officer or employee may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the Town.

C. Any Public Official or Public Employee who has a Conflict of Interest, direct or indirect, in any contract, transaction or decision within the purview of his or her official responsibilities shall disclose that Conflict of Interest. Such disclosure shall disqualify the Public Official or Public Employee from participation or deliberation in the matter, transaction, or decision. Such disclosure shall be made in Executive Session of an agency at the request of the Public Official or the Public Employee.

II. Financial Interest

A. A person governed by this Code who has a financial or personal interest in any transaction or contract with the Town, including but not limited to the sale of real estate, materials, supplies or services to the Town, in which he or she may be called upon to act in his or her official capacity shall not vote or otherwise participate in the transaction on behalf of the Town. That person shall declare on the record that he or she has a conflict of interest that disqualifies him or her from participating and voting.

III. Town Owned Property

A. A person governed by this Code shall not request or permit the use of Town owned vehicles, equipment, facilities, material, or property for personal convenience or profit, except when such Town property is available to the general public as a result of a policy adopted in the interest of the Town.

IV. Appearance of Impropriety:

A. No public official or public employee shall accept a gift or engage in private employment or render services when the gift, employment or services:

a. Are incompatible with the proper discharge of the official duties of the Public Official or Public Employee; or
b. Could tend to impair independence of judgment or action by the Public Official or Public Employee, in the performance of his or her official duties.

B. To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of The Code, a Public Official or Public Employee, not otherwise restrained by The Code, shall exercise care when appearing before other Agencies and shall disclose whether he or she is appearing in his or her official capacity or as a private citizen.

Adopted August 2, 2007 TM Vol 22 page 704

ORDINANCE ESTABLISHING FEES FOR USE OF GEOGRAPHIC INFORMATION SYSTEM

Pursuant to the authority granted by Section 7-148s of the Connecticut General Statutes, as amended, the following schedule of fees is established for the town's Geographic Information System data:

Digital Data in CD format including the following layers: Parcels w/CAMA data Zoning Street Centerlines-with Address Points 5' Contours (developed from 2004 DEP LIDAR)	$150.00
Shipping & Handling (if applicable)	$ 10.00

Paper Maps (color)	8 ½ x 11	11 x 17	24 x 36	36 x 72
Published Map	$2.00	$5.00	$15.00	$45.00
Custom Map – $10/layer plus	$2.00	$5.00	$15.00	$45.00
Prints from Public Access Terminal				
Black & White	$ .50	$1.00	N/A	N/A
Color	$2.00	$5.00	N/A	N/A

Fees shall be paid at the time a request for data is submitted.

TM Vol. 22, page 787 July 1, 2008

ORDINANCE AUTHORIZING TAX COLLECTOR TO RETAIN PAYMENTS IN EXCESS OF THE AMOUNT DUE PROVIDED THE EXCESS IS LESS THAN $5.00

Pursuant to the provisions of the General Statutes Section 12-129, the tax collector is hereby authorized to retain payments of taxes in excess of the amount due, provided the amount of each such excess payment is less than $5.00.

TM Vol. 22, page 814 August 2, 2008

ORDINANCE CONCERNING THE DESIGNATION OF SCENIC ROADS

1. Pursant to the provisions of Section 7-149a of the Connecticut General Statutes, as amended, the Planning Commission of the Town of East Lyme (the "Commission") may designate town highways or portions thereof as scenic roads. No state highway or portion thereof and no private highway or portion thereof may be designated as a scenic road under this ordinance.
2. No highway or portion of a highway may be designated as a scenic road unless the owners of a majority of lot frontage abutting the highway or portion of the highway agree to the designation by filing a written statement of approval with the Town Clerk
3. Any owner of land located within the town may file an application with the Commission requesting that a town highway or portion thereof be designated as a scenic road. Alternatively, the Commission by motion may initiate the procedures to designate a town highway or portion thereof as a scenic road.
4. Property owners seeking scenic road designation shall submit an application to the Commission. The application shall contain the following information:
   a. The name, address and telephone number of the applicant.
   b. The name of the town highway and the total length (in feet) of the portion to be designated as a Scenic Road.
   c. A brief description of the town highway and those characteristics of the town highway or portion thereof which meet the criteria specified in section 8 of this ordinance.

d. The names, addresses and the amount of frontage (in feet) of all owners of lots abutting the town highway or any portion thereof proposed for designation as a scenic road.

5. Simultaneously with the filing of an application for the designation of a scenic road with the Commission, the applicant, or the Commission if it initiates the procedures to designate a town highway as a scenic road, shall file with the Town Clerk written statement(s) of approval as required in Section 2. hereof. The statements of approval shall contain the name, mailing address, street address, total distance of applicable lot frontage in feet and the signature of owner(s) of a majority of the lot frontage abutting the portion of the town highway proposed for such designation.
6. Upon receipt of the written statement(s) of approval the Town Clerk shall forward certified copies thereof to the Assessor. The Assessor shall ascertain the ownership and the total lot frontage of the owners signing the statement(s), and shall determine whether said total lot frontage constitutes a majority of lot frontage abutting the highway or portion of the highway to be designated as a scenic road. The Assessor shall report such findings to the Commission within fourteen (14) days from the date that the Assessor receives the statement(s) from the Town Clerk.
7. Upon receipt of a report from the Assessor that the owners of a majority of the lot frontage abutting the highway or portion of the highway to be designated as a scenic road have signed statements of approval as required by Section 2 hereof, the Commission shall conduct a public hearing to consider an application for a designation of a scenic road. The public hearing shall commence within sixty-five (65) days after the Commission's receipt of the Assessor's report, and shall be completed within thirty-five (35) days after it commences. The Commission shall render a decision within sixty-five (65) days after the completion of such public hearing. The applicant, or the Commission if it initiates the scenic road designation procedures, may consent to one or more extensions of any period specified in this section, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such application.

7.1 The Commission shall prepare a notice of the public hearing, post a copy of the notice in the office of the Town Clerk for public viewing and shall publish the notice in a newspaper having a general circulation in the town at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. The applicant, or the Commission when it initiates the scenic road desgination procedure, shall mail copies of the notice **by way of a certificate of mailing to the owners of all of the property** having frontage abutting the portion of the town highway proposed for designation as a scenic road. Such mailing shall be made no later than ten days before the date of the hearing inclusive of the date of mailing but not the date of the hearing. The applicant, or the Commission it if initiates the scenic road designation procedure, shall submit proof of such mailing to the Commission at or before the commencement of the public hearing.

8. The Commission may approve the application as submitted or may designate a lesser portion of the highway as a scenic road, provided that prior to designating a town highway or any portion of a highway as a scenic road, the Commission shall first find that the owners of a majority of the lot frontage abutting the highway or portion of the highway to be designated as a scenic road have signed statements of approval as required by Section 2 hereof. The Commission shall also find the highway or proposed portion thereof is free of intensive commercial development and free of intensive vehicular traffic. In addition, the Commission must find that the town highway or portion thereof meets at least one of the following criteria:
   a. It offers scenic views;
   b. It is bordered by mature trees or stone walls;

c. It blends naturally into the surrounding terrain;
d. It parallels or crosses over brooks, streams, lakes or ponds;
e. The traveled portion is no more than twenty (20) feet in width;
f. It is unpaved.

8.1. If the Commission approves the designation of a scenic road or a lesser portion thereof, it shall state the scenic characteristics for which the Commission determines protection is warranted.

8.2 If the Commission fails to act on the application within the time frames set forth in this ordinance, the application shall be deemed to be denied in its entirety.

9. The Commission shall publish a notice of its decision designating a scenic road in a newspaper having a general circulation within the town within fifteen (15) days after the date of the decision. The notice shall specify the highway or portion thereof, which the Commission designates as a scenic road. If the Commission approves the application, it shall notify the First Selectman, the Zoning Commission, the Town Highway Superintendent, Director of Public Works, and the Town Tree Warden of the designation within fifteen (15) days after the date of the decision, specifying the scenic characteristics for which the Commission determines protection is warranted. The town shall create and maintain a map that depicts the name, location, and distance (in feet) of any town highway designated as a scenic road. Any failure to provide such notice to such town officials or to create or maintain such map shall not affect the validity of the designation.
10. Any person aggrieved by a designation of a town highway or portion thereof as a scenic road pursuant to this ordinance, may appeal such designation in the same manner and utilizing the same standards of review provided for appeals from the decisions of the Commission under Section 8-8 of the Connecticut General Statutes.
11. A scenic road designation shall not affect the town's obligation to maintain and repair such road by such methods and in such a manner as may be necessary to keep the road in a safe and passable condition at all times. Such work shall as nearly as practicable preserve the scenic characteristics of the highway for which the Commission determines protection is warranted. Such work may be performed by or on behalf of the town without prior approval of the Commission.

11.1 Any tree trimming, excavating or maintenance work performed in a designated scenic road by or on behalf of public service companies, as more particularly described in Connecticut General Statutes Sec 16-229, 16-234, and 16-235, may be performed without prior approval of the Commission.

12. No road which has been designated as a scenic road shall be altered or improved, including but not limited to, widening of the right of way or the travel portion of the road, changes of grade or roadway surface treatment, removal of stone bridges, straightening, removal of stone walls, or removal of mature trees, except for good cause determined by the Commission. The Commission may hold a public hearing on any such proposed alterations or improvements if it deems that the public interest might be best served by doing so.

12.1 This Section 12 is in addition to, and not in lieu of. the requirements for such work as more particularly set forth in the following Ordinances; (i) Ordinance Regulating Excavations, Cuts, Fill and Change of Grade in Public Highways, adopted January 28, 1965; (ii) Ordinance Concerning Change in Grade, Excavating, Paving and Filling, adopted May 2, 1970; (iii) Ordinance Concerning Damage to Highways, adopted September 21, 1975.

13. A scenic road designation may be rescinded by the Commission, using the same procedures provided herein for designation of a scenic road and having written concurrence of the owners of a majority of lot frontage abutting the highway or portion of the highway.

TM Vol 23, page 35 May 30, 2009
Amendent effective July 1, 2011

SANITARY SEWER BENEFIT RESOLUTION
FOR SEWER MAIN EXTENSION NO. 4

RESOLUTION relative to an assessment of benefits for Extension No. 4 of the public sanitary sewerage system, known generally as the "Pine Grove Extension" installed in the Town of East Lyme, Connecticut, establishing the due date of said assessments; providing for installment payments of assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission (hereinafter the "Commission"), the duly established municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme exercising its statutory authority under the laws of the State of Connecticut, has heretofore accepted the public improvements known as Extension No. 4 of the Town's public sanitary sewerage system, said improvements being more particularly described in as-built plans and specifications on file with the Commission; and

WHEREAS, the Connecticut General Statutes provide in part that at any time after a municipality by its Water Pollution Control Authority has authorized the acquisition or construction of a sewerage system, or portion thereof, the Water Pollution Control Authority may apportion and assess the whole or any portion of the cost thereof upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings according to said Connecticut General Statutes and such rules as the Commission adopts;

NOW, THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission, as follows;

1. The area within which sewer assessments are due for Extension No. 4 of the Town's public sanitary sewers include all properties abutting or actually making use of the public sanitary sewer system in said extension area. By and large, the area of Extension No. 4 is bounded southerly by the State of Connecticut Military Reservation (presently known as "Camp Rell"), easterly by the Niantic River, northerly by Smith Cove and westerly by Smith Cove and includes the land, streets, roads, and properties generally constituting the territorial limits of the Connecticut Spiritualist Campmeeting Association, Inc., as more particularly shown on as-built plans and specifications on file with the Commission. The owners, properties and the amounts of the assessments hereby levied upon said properties are listed on Schedule "A", attached hereto.
2. The Commission has considered the zoning classification and actual use in allocating assessments among the benefited properties as shown on Assessor's records of the Town of East Lyme on the Grand List of October 1, 2007. Because the current zoning classification and actual use of the properties benefited by Extension No. 4 is limited to residential use, the Commission has classified those benefits to a residential category, consisting of single family and two family residences and units of any common interest community used for residential purposes, and has established general rules of assessment for the above described assessment area, as follows:
    a. All assessments shall be set at a Flat Rate. The Flat Rate for an assessable unit shall be as follows: Twelve Thousand and Sixty-Six ($12,066.00) Dollars per unit.
    b. In determining assessments the following shall equal one assessable unit: (1) a vacant lot; (2) a lot with a single dwelling. A lot with multiple

dwellings shall equal one unit plus one unit per dwelling for every dwelling after the first dwelling.

c. "Dwelling" shall be defined as a building, or any part thereof, containing complete housekeeping facilities for one family.

d. "Family" shall be defined as one or more persons who live together and maintain a common household.

e. "Lot" shall be defined as a separate parcel of land located in a residential zone and which lot is vacant or contains a residential dwelling as shown on the East Lyme Assessor's maps on October 1, 2007. Any lot created after the date of this resolution shall be assessed in accordance with the terms of this resolution.

f. When any lot subject to assessment under any provision of this Resolution is declared to be subject to the Connecticut Common Interest Ownership Act, each unit of such common interest community used for residential purposes shall be assessed individually at the Flat Rate as of the date of the Declaration or the effective date of this Resolution, whichever is later.

g. Later Expansion. Whenever any structure is constructed or expanded after the effective date of this Resolution, such structure shall be assessed according to the terms of the Resolution as if such structure had existed on the effective date of the Resolution, provided that the amount of any deferred assessment levied against the same land, or that portion of any deferred assessment levied against the same land which is the site of a subsequent structure shall be credited against any assessment due. The owner, builder or developer shall pay for the entire installation if a sewer extension is necessary to service the property, including all expenses incidental thereto in accordance with Section 5 of the Sewer Use and Sewage Disposal Ordinance. There shall be no credit against the benefit assessment for these costs.

h. Deferred Assessments. Deferred assessment shall be deferred until such excess land shall be built upon or a building permit issued therefore, or until approval of a subdivision plan of such excess property by the planning commission having jurisdiction, whichever event occurs first, at which time assessment shall be made as provided herein. Provided further that the total deferred benefit to be assessed against lots used for single family residences shall not exceed the flat rate established herein times the number of such single family lots established. No lien securing payment shall be filed until property is assessed.

3. There is hereby assessed upon and against the lands and upon the owners of each property or unit of a common interest community affected by the foregoing public improvement which the Commission has found to be especially benefited by said public improvement, the benefit assessments shown after the name of the affected property owners and in the amount due column, being the amount of the owners' due proportion of the public improvement as assessed in accordance with the decision of the Commission. The benefited properties are listed by street and number according to names of owners; indicating the number of units, and the total due assessment, as applicable, and are more particularly set forth in Schedule "A" attached hereto.

4. That the owners of houses, buildings, units of a common interest community or other structures used as residences and located on the parcels of land abutting sanitary sewer Extension No. 4, more particularly described in Schedule "A" attached hereto, are required to connect said houses, buildings ,units and structures to the sewer, at their own expense.

5. That the assessments set forth in Paragraph 3 shall be due and payable on April 1, 2009. Payment shall be made payable to the order of the Treasurer of

the Town of East Lyme. The owners of any assessed property may pay the entire amount of the assessment in full on or before the date that it is due and payable without interest or may pay said assessment by installments made in accordance with Paragraph 6 hereof.

6. If the election is made to pay said assessment by installment payments, the assessment for each property shall be made in (15) fifteen substantially equal annual installments, the first installment to be due and payable on the next April 1st following the date of this Resolution. Each subsequent payment of an installment will be due and payable on or before April 1st of each subsequent year. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. A notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum, together with all accrued interest, shall become due and payable, together with attorney's fees and costs of collection.

7 The interest at the rate of five (5%) percent per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in Paragraph 6 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof. Property owners may pay the entire assessment in full at such time as determined by resolution of the Commission without incurring any interest charges.

8 A benefit assessment or any installment thereof not paid within thirty (30) days after the due date shall be delinquent and shall be subject to interest from such due date at the rate and in the manner provided by the General Statutes for delinquent property taxes, together with attorney's fees and costs of collection.

9 Each addition of interest shall be collectible as part of such assessment.

10 Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in Paragraph 8 above or Five ($5.00) Dollars, whichever is greater.

11 Any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded, and released in the manner provided by the General Statutes for continuing, recording and releasing property tax liens. Each lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property taxes.

BE IT FURTHER RESOLVED, that the installation of said public improvements as described hereinbefore, shall now be deemed duly and legally authorized; that said improvements have been duly and legally accepted by the Town of East Lyme; and that all assessments and benefits stated herein and in the public record of the Town of East Lyme Water and Sewer Commission shall be deemed duly and legally made. The Chairman of the Water and Sewer Authority shall cause a notice to be published listing properties against which benefits have been assessed, with the amount to be paid by each such owner and a notice of the date when assessments are due and payable in accordance with Chapter 103 of the Connecticut General Statutes as amended. Said Chairman shall also cause to be mailed, postage prepaid, a copy of the assessment of benefits addressed to the owners of each property affected thereby at such owners' addresses as shown in the last completed grand list of the municipality or at any later addresses of which the Commission may have knowledge.

RESOLVED, that the "Sanitary Sewer Benefit Resolution for Sewer Main Extension No. 4" be adopted with the following modifications:

1 "Common land" properties owned by the Connecticut Spiritualist Camp Meeting Association or the Ladies Aid Society of Pine Grove, being designated as nos. 77, 80, 126, 127 and 140 on Schedule "A" attached to said Resolution shall not be assessed. If any of said properties connect to the town's sewer system in the future, such property shall be subject to assessment pursuant to paragraph 2.g. of the Resolution.

2 The duplex properties designated as nos. 118 and 177 on Schedule "A" shall each be assessed at the rate of 1.5x assessable units ($18,099.00).

3 The properties designated as nos. 124 and 141 on Schedule "A", presently used as either a garage or accessory building for other properties, shall not be assessed, provided that the owners of record file, within 30 days from the adoption of said Resolution, documents on the land records providing that no residential or commecial structure will ever be constructed on said properties.

4 The property designated as no. 171 on Schedule "A" shall be assessed as a single assessable unit ($12,066.00).

5 The lot designated as no. 115 on Schedule "A" with no structure being located thereon, and being contiguous with another lot (no. 116) having the same owner, shall not be assessed, provided that the owner of record file, within 30 days from the adoption of said Resolution, documents on the land records providing that no residential or commercial structure will ever be constructed on said lot.

	OWNER	ADDRESS	MAP	LOT	ASSESSMENT
1	MCNICHOL, LAWRENCE & BONNIE	6 BROADWAY	17.6	16	$12,066.00
2	COTOIA, ANTHONEY & ROSEMARY	14 BROADWAY	17.6	31	$12,066.00
3	JOHNSON, ELLEN & COLIN	15 BROADWAY	17.6	125	$12,066.00
4	ALESSANDRINI, RUSSELL	17 BROADWAY	17.6	124	$12,066.00
5	MCGILL, JOHN P., JR.	18 BROADWAY	17.6	34	$12,066.00
6	SCALISE, CATHERINE	19 BROADWAY	17.6	116	$12,066.00
7	GOFF, DAVID W. JR.	20 BROADWAY	17.6	47	$12,066.00
8	MARTONE, JANET E & CHARLES P	21 BROADWAY	17.6	115	$12,066.00
9	HEWITT ELEANOR J.	22 BROADWAY	17.6	48	$12,066.00
10	CARTER, STEVEN L & MARIA	23 BROADWAY	17.6	107	$12,066.00
11	GOODROW, DAVID & CYNTHIA	24 BROADWAY	17.6	61	$12,066.00
12	STOKES EVE T & SHARON M. SLATO	25 BROADWAY	17.6	106	$12,066.00
13	GORDON, CAROL ANN	26 BROADWAY	17.6	62	$12,066.00
14	LENTZ JOHN M & JOYCE C	29 BROADWAY	17.6	90	$12,066.00

15	WHITNEY SUSAN	30 BROADWAY	17.6	91	$12,066.00
16	GILMORE, CHARLES R. TR	31 BROADWAY	17.6	70	$12,066.00
17	GLIAMAS GAETANO & MARY ANN	32 BROADWAY	17.6	76	$12,066.00
18	NISKANEN JEANETTE	34 BROADWAY	17.6	71	$12,066.00
19	MARTONE, JANET E	2 CENTER STREET	17.7	6	$12,066.00
20	VICARI, AMERICUS S & LAURA	3 CENTER STREET	17.7	7	$12,066.00
21	HV ENTERPRISES LLC	6 CENTER STREET	17.6	111	$12,066.00
22	BECRAFT, EDWARD & MURIEL L.	10-12 CENTER STREET	17.6	112	$24,132.00
23	SAMUELSON LORRAINE & JASON	14 CENTER STREET	17.6	113	$12,066.00
24	VEGA KENNETH & LINDA	15 CENTER STREET	17.6	110	$12,066.00
25	SULLIVAN BRIAN D & EILEEN BUCKLEY	17 CENTER STREET	17.6	109	$12,066.00
26	RIPLEY NANCY	18 CENTER STREET	17.6	114	$12,066.00
27	CLARKE KAREN Z	19 CENTER STREET	17.6	108	$12,066.00
28	LIEBIG MARC A	26 CENTER STREET	17.6	49	$12,066.00
29	COLOMBO MICHAEL & SUSAN GALFOND	28 CENTER STREET	17.6	50	$12,066.00
30	WARDLAW KARIN M	29 CENTER STREET	17.6	60	$12,066.00
31	STOKES EVE T	30 CENTER STREET	17.6	51	$12,066.00
32	PARSON DONALD C	32 CENTER STREET	17.6	52	$12,066.00
33	FERENBACH PATRICIA	33 CENTER STREET	17.6	59	$12,066.00
34	JOHNSON, COLIN	34 CENTER STREET	17.6	53	$12,066.00
35	MARKOW JAMES & SUSAN	37 CENTER STREET	17.6	58	$12,066.00
36	WHITED ERIC, SCOTT & CRAIG	40 CENTER STREET	17.6	54	$12,066.00
37	STEVENS DARLENE & RONALD C	1 CHERRY STREET	17.7	23	$12,066.00
38	STOKES EVE & SHARON SLATON	3 CHERRY STREET	17.7	22	$12,066.00
39	STEIGER ALLEN C.	5 CHERRY STREET	17.7	21	$12,066.00
40	STELLING PAUL ETAL	7 CHERRY STREET	17.7	20	$12,066.00
41	JOHNSTON NANCY CARD	9 CHERRY STREET	17.7	19	$12,066.00
42	HANSEN PATRICIA M	11 CHERRY STREET	17.7	18	$12,066.00
43	PARIS JAN R. & OLIVIA	13 CHERRY STREET	17.7	17	$12,066.00
44	FORTIN EVERETT & HELEN	17 CHERRY STREET	17.7	16	$12,066.00
45	WADDINGTON PATRICIA O	19 CHERRY STREET	17.7	15	$12,066.00
46	CARR WILLIAM R & PATRICIA E	23 CHERRY STREET	17.7	13	$12,066.00
47	BRINDAMOUR PAUL L & SANDRA L	25 CHERRY STREET	17.7	12	$12,066.00
48	SUGARMAN RICHARD & LINDA	27 CHERRY STREET	17.7	11	$12,066.00
49	MAHONEY ROBERT & SARAH RUSSELL	29 CHERRY STREET	17.7	10	$12,066.00
50	KRAUSE, ERIC	15 COVE STREET	17.6	39	$12,066.00
51	GOFF, DAVID W. & LINDA M	21 COVE STREET	17.6	55	$12,066.00
52	ELKINS, MARGARET	23 COVE STREET	17.6	57	$12,066.00
53	KUMMEL CHARLES F JR. ETAL	25 COVE STREET	17.6	56	$12,066.00
54	GEORGE LAVERNE	29 COVE STREET	17.6	40	$12,066.00
55	CORRADO FRANK & ELIZABETH	1 HIGH STREET	17.7	5	$12,066.00
56	SHINING WATERS LLC	3 HIGH STREET	17.7	4	$12,066.00
57	MURDOCH MARNIE	4 HIGH STREET	17.7	3	$12,066.00
58	BARTOLUCCI LINDA P	5 HIGH STREET	17.6	120	$12,066.00
59	HELGESON HAROLD & ALICE	7 HIGH STREET	17.6	119	$12,066.00
60	HATALA TONI	8 HIGH STREET	17.6	121	$12,066.00
61	WIERBICKI GLENN & JAYNE	9 HIGH STREET	17.6	118	$12,066.00
62	THIBODEAU GREG C. & ANN-MARIE	11 HIGH STREET	17.6	117	$12,066.00

63	CLAUSSON EDNA & SHINING WATERS LLC	12 HIGH STREET	17.6	122	$12,066.00
64	MILLER CAROL DEE	13 HIGH STREET	17.6	115.1	$12,066.00
65	MUNGER LORRAINE	14 HIGH STREET	17.6	123	$12,066.00
66	BARNARD WILLIAM	21 HIGH STREET	17.6	46	$12,066.00
67	TELKE STEVEN A	23 HIGH STREET	17.6	45	$12,066.00
68	SORENSEN NORMAN II & CHERYL	24 HIGH STREET	17.6	35	$12,066.00
69	WEST ROBERT	25 HIGH STREET	17.6	44	$12,066.00
70	BABICH JOANNE MARIE	26 HIGH STREET	17.6	36	$12,066.00
71	FIORILLO SALVATORE EST	27 HIGH STREET	17.6	43	$12,066.00
72	PARKS BRUCE & KATHLEEN	29 HIGH STREET	17.6	42	$12,066.00
73	O'CONNELL FREDERICK	30 HIGH STREET	17.6	37	$12,066.00
74	SCOTT ROBERT & ELIZABETH	31 HIGH STREET	17.6	41	$12,066.00
75	KRAUSE BERTHA EST	32 HIGH STREET	17.6	38	$12,066.00
76	CHIAPPA PETER & GAIL	4 LAUREL STREET	22.3	42	$12,066.00
77	CONN SPIRITUALIST CM ASSOC.	10 LAUREL STREET	17.6	81	$0.00
78	KUMPITSCH PAUL III	12 LAUREL STREET	17.6	68	$12,066.00
79	FREDERICKSEN VALERIE & HARLAN	16 LAUREL STREET	17.6	69	$12,066.00
80	CONN SPIRITUALIST CM ASSOC.	21 LAUREL STREET	22.3	43	$0.00
81	BOYLE KAREN	22 LAUREL STREET	17.6	72	$12,066.00
82	WILCOX NANCY & BARBARA DOWNIE	26 LAUREL STREET	17.6	73	$12,066.00
83	ROTH JOEL M & WENDY	29 LAUREL STREET	22.18	2	$12,066.00
84	STONE RICHARD EST	31 LAUREL STREET	22.18	1	$12,066.00
85	STONE RICHARD EST	33 LAUREL STREET	22.18	3	$12,066.00
86	COLLINS KATHRYN E	35 LAUREL STREET	22.18	4	$12,066.00
87	LEGERE THOMAS & JAY NORTHRUP	37 LAUREL STREET	22.18	5	$12,066.00
88	MERZ JUNE K	39 LAUREL STREET	22.18	6	$12,066.00
89	LOUGHLIN BEVERLY & M&M 53 LLC	5 N. MAIN STREET	22.3	41	$12,066.00
90	PATEL HITESHIN	8 N. MAIN STREET	17.6	82	$12,066.00
91	MCCARTHY ANDREW & KATHLEEN	12 N. MAIN STREET	17.6	83	$12,066.00
92	SUAREZ DIANE	14 N. MAIN STREET	17.6	84	$12,066.00
93	BRISTOL DAVID & GEORGEANNA	20 N. MAIN STREET	17.6	85	$12,066.00
94	HAMES M. PATRICIA	21 N. MAIN STREET	17.6	80	$12,066.00
95	BERGIN JOSEPH & MICHELE	22 N. MAIN STREET	17.6	86	$12,066.00
96	STOKES ABIGAIL	23 N. MAIN STREET	17.6	79	$12,066.00
97	PULSIFER ANNE & KENNETH HOCHSTETLER	24 N. MAIN STREET	17.6	87	$12,066.00
98	YOUNG KATHLEEN	25 N. MAIN STREET	17.6	78	$12,066.00
99	HARPER AMY	26 N. MAIN STREET	17.6	88	$12,066.00
100	IZZO GEORGE, ETAL	27 N. MAIN STREET	17.6	77	$12,066.00
101	REEVES JOANNE	28 N. MAIN STREET	17.6	89	$12,066.00
102	STARK KAREN & JEFFREY	35 N. MAIN STREET	17.6	75	$12,066.00
103	BICKLEY ELIZABETH	37 N. MAIN STREET	17.6	74	$12,066.00
104	SULLIVAN KERRY EST	4 ORCHARD STREET	17.6	17	$12,066.00
105	WILSON STEVEN & MARY S	5 ORCHARD STREET	17.6	30	$12,066.00
106	O'HANLON ERIN	6 ORCHARD STREET	17.6	18	$12,066.00
107	CONSTABLE DOUGLAS	7 ORCHARD STREET	17.6	29	$12,066.00
108	DREW LAWRENCE	8 ORCHARD STREET	17.6	19	$12,066.00
108A	HICKEY BRIAN & BRIDGETTE GORDON	9 ORCHARD STREET	17.6	28	$12,066.00
109	DUNN DAVID & KELLY	10 ORCHARD STREET	17.6	20	$12,066.00

110	BOUCHER KAREN	12 ORCHARD STREET	17.6	21	$12,066.00
111	LEVERONE MARY JANE	13 ORCHARD STREET	17.6	27	$12,066.00
112	MINTO BONNIE	14 ORCHARD STREET	17.6	22	$12,066.00
113	WALLING PETER & LAUREN	15 ORCHARD STREET	17.6	26	$12,066.00
114	SAYRE FLORENCE	16 ORCHARD STREET	17.6	23	$12,066.00
115	SAYRE FLORENCE	18 ORCHARD STREET	17.6	24	$12,066.00
116	SULLIVAN CATHERINE	20 ORCHARD STREET	17.6	25	$12,066.00
117	MORENO JOHN A JR	2 PLEASANT STREET	17.6	8	$12,066.00
118	DAVIDSON SCOTT	3-5 PLEASANT STREET	17.6	15	$18,099.00
119	POLLOCK BARBARA & LEONARD	4 PLEASANT STREET	17.6	9	$12,066.00
120	MCKIERNAN CATHERINE	11 PLEASANT STREET	17.6	14	$12,066.00
122	ANDRESEN KATIE & CHRISTIAN	12 PLEASANT STREET	17.6	10	$12,066.00
123	FILAN WILLIAM C. & MARIE	15 PLEASANT STREET	17.6	13	$12,066.00
124	KEENEY GEORGE	17 PLEASANT STREET	17.6	12	$12,066.00
125	KEENEY GEORGE	20 PLEASANT STREET	17.6	11	$12,066.00
126	CONN SPIRITUALIST CM ASSOC.	SOUTH STREET	17.6	129	$0.00
127	CONN SPIRITUALIST CM ASSOC.	SOUTH STREET	17.6	130	$0.00
128	POWERS GERARD	4 SOUTH STREET	17.1	39	$12,066.00
129	POWERS THOMAS & JOANNE	6 SOUTH STREET	17.6	1	$12,066.00
130	POWERS MICHAEL	8 SOUTH STREET	17.6	2	$12,066.00
131	LONGO CHRISTINE	10 SOUTH STREET	17.6	3	$12,066.00
132	POWERS HELEN RITA & DAVID	12 SOUTH STREET	17.6	4	$12,066.00
133	WILLIAMS DOROTHY	14 SOUTH STREET	17.6	5	$12,066.00
134	SEUFERLING ANASTACIA	16 SOUTH STREET	17.6	6	$12,066.00
135	GIORDANO JULIE	18 SOUTH STREET	17.6	7	$12,066.00
136	BAGLEY JAN	35 SOUTH STREET	17.2	5	$12,066.00
137	BOWLEN THOMAS & JEAN	37 SOUTH STREET	17.2	4	$12,066.00
138	VANN ROSEMARY	39 SOUTH STREET	17.2	3	$12,066.00
139	LADIES AID SOCIETY OF PINE GROVE	S. PINE STREET	17.6	65	$12,066.00
140	LADIES AID SOCIETY OF PINE GROVE	S. PINE STREET	17.6	66	$0.00
141	HAMILTON GARY	1 S. PINE STREET	17.7	8	$12,066.00
142	HAMILTON GARY	1 S. PINE STREET	17.7	9	$12,066.00
143	HOUSTON MARY LOU	3 S. PINE STREET	17.6	100	$12,066.00
144	POWERS MARK	5 S. PINE STREET	17.6	99	$12,066.00
145	LORD PHILIP & PATRICIA	7 S. PINE STREET	17.6	98	$12,066.00
146	SMITH JOAN B.	8 S. PINE STREET	17.6	101	$12,066.00
147	AUKSTOLIS KATHLEEN	9 S. PINE STREET	17.6	97	$12,066.00
148	ZUCKS PETER	11 S. PINE STREET	17.6	96	$12,066.00
149	COYLE MICHAEL & FRANCES	12 S. PINE STREET	17.6	102	$12,066.00
150	GENTRY LOUISE H. & LENZ WINIFRED	14 S. PINE STREET	17.6	103	$12,066.00
151	PELLEGRI JEAN M	15 S. PINE STREET	17.6	95	$12,066.00
152	TRICARICO KEVIN & ANNE KENNY	17 S. PINE STREET	17.6	94	$12,066.00
153	OLESEN JAN	18 S. PINE STREET	17.6	104	$12,066.00
154	BASILICK RICHARD & ADA-JO	19 S. PINE STREET	17.6	93	$12,066.00
155	SHAMASH RAHIM & SHERRY R	20 S. PINE STREET	17.6	105	$12,066.00
156	STEPHENS JOHN	30 S. PINE STREET	17.6	63	$12,066.00
157	SPENCER ROGER L	31 S. PINE STREET	17.6	92	$12,066.00
158	LADIES AID SOCIETY OF PINE GROVE	34 S. PINE STREET	17.6	64	$12,066.00

159	JOHNSON COLIN S	1 SPRING STREET	17.7	2	$12,066.00
160	PIZZARELLI VERA	3 SPRING STREET	17.7	1	$12,066.00
161	NICKERSON LORI SHEDD	5 SPRING STREET	17.6	128	$12,066.00
162	ESTEY DAVID & THERESA	9 SPRING STREET	17.6	127	$12,066.00
163	LUCE JOHN & JACQUELINE	11-13 SPRING STREET	17.6	126	$24,132.00
164	KRAUSE BERTHA EST	29 SPRING STREET	17.6	32	$12,066.00
165	MCELANEY CHARLES	1 WELLS STREET	17.1	45	$12,066.00
166	ZABIK THERESA	2 WELLS STREET	17.1	40	$12,066.00
167	DISCORDIA WILLIAM & CATHERINE	5 WELLS STREET	17.1	44	$12,066.00
168	MATIKINUS ANTHONY ETAL	6 WELLS STREET	17.1	41	$12,066.00
169	STAMM GARY & GERARD ZABIK	7 WELLS STREET	17.1	43	$12,066.00
170	BADEEN JOHN	8 WELLS STREET	17.1	42	$12,066.00
171	CARLSON DAVID	9 WELLS STREET	17.2	13	$12,066.00
172	NORTON JEAN L & HENRY GRAULTY	10 WELLS STREET	17.2	1	$12,066.00
173	MADONNA PATRICIA & PHILIP KENSEL	11 WELLS STREET	17.2	12	$12,066.00
174	LALLIER DONALD & SHARON	14 WELLS STREET	17.2	2	$12,066.00
175	RONSKI ANNE	15 WELLS STREET	17.2	11	$12,066.00
176	MESHEKOW NATHANIEL EST.	19 WELLS STREET	17.2	10	$12,066.00
177	MESHEKOW NATHANIEL EST.	21 WELLS STREET	17.2	9	$18,099.00
178	LOGOZZO WILLIAM & SHARI LUCAS	23 WELLS STREET	17.2	8	$12,066.00
179	BEACH DOUGLAS	25 WELLS STREET	17.2	7	$12,066.00
180	KANTER ERIC	27 WELLS STREET	17.2	6	$12,066.00
181	NEWMAN CAROL ETAL	31 WELLS STREET	17.7	25	$12,066.00
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Filed in East Lyme Town Clerk's Office on October 24, 2008.

SANITARY SEWER BENEFIT RESOLUTION FOR SEWER MAIN EXTENSION NO. 5

RESOLUTION relative to an assessment of benefits for Extension No. 5 of the public sanitary sewerage system, known generally as the "Boston Post Road Extension" installed in the Town of East Lyme, Connecticut; establishing the due date of said assessments; providing for installment payments of assessments and interest thereon;

WHEREAS, the East Lyme Water and Sewer Commission (hereinafter the "Commission"), the duly established municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East

Lyme exercising its statutory authority under the laws of the State of Connecticut, has heretofore accepted the public improvements known as Extension No. 5 of the Town's public sanitary sewerage system, said improvements being more particularly described in as-built plans and specifications on file with the Commission; and

WHEREAS, the Connecticut General Statutes provide in part that at any time after a municipality by its Water Pollution Control Authority has authorized the acquisition or construction of a sewerage system, or portion thereof, the Water Pollution Control Authority may apportion and assess the whole or any portion of the cost thereof upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings according to said Connecticut General Statutes and such rules as the Commission adopts;

NOW, THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission, as follows:

1. The area within which sewer assessments are due for Extension No. 5 of the Town's public sanitary sewers include all properties abutting or actually making use of the public sanitary sewer system in said extension area. By and large, the area of Extension No. 5 runs east to west along the Boston Post Road and from the present terminus of the existing sewer main at or near the Flanders Baptist Church and running westerly for a distance of 8,700 feet, more or less to a point easterly of the intersection of Boston Post Road and Plum Hill Road, all as more particularly shown on as-built plans and specifications on file with the Commission. The owners, properties and the amounts of the assessments hereby levied upon said properties are listed on Schedule "A", attached hereto.
2. The Commission has considered the zoning classification and actual use in allocating assessments among the benefited properties as shown on Assessor's records of the Town of East Lyme on the Grand List of October 1, 2006. Because the current zoning classification and actual use of the properties benefited by Extension No. 5 is a mixture of residential and commercial uses, the Commission has categorized those benefits respectively to a residential category, consisting of single family and two family residences and units of any common interest community used for residential purposes, and a commercial category, consisting of multi-family residences of more than two (2) dwelling units and all commercial uses, and has established general rules of assessment for the above described assessment area, as follows:

RESIDENTIAL ASSESSMENTS

All assessments shall be set at a Flat Rate. The Flat Rate for an assessable unit shall be as follows: Twelve Thousand and Sixty-Six ($12,066.00) Dollars per unit.

In determining assessments the following shall equal one assessable unit: (1) a vacant lot; (2) a lot with single dwelling. A lot with two dwellings shall be assessed at one and one-half units. Residentially zonied multi-family dwellings with more than two (2) units shall be considered and assessed as commercial properties.

"Dwelling" shall be defined as a building, or any part thereof, containing complete housekeeping facilities for one family.

"Family" shall be defined as one or more persons who live together and maintain a common household.

"Lot" shall be defined as a separate parcel of land located in a residential zone and which lot is vacant or contains a residential dwelling as shown on the East Lyme Assessor's maps on October 1, 2006. Any lot created after the date of this resolution shall be assessed in accordance with the terms of this resolution.

When any lot subject to assessment under any provision of this Resolution is declared to be subject to the Connecticut Common Interest Ownership Act, each unit of such common interest community used for residential purposes shall be assessed as follows:

a. "attached condominium units," which for purposes of this Resolution shall be defined as any unit of a common interest community which shares one or more common walls with any other unit, shall be assessed individually at 75% of the Flat Rate as of the date of the Declaration or the effective date of this Resolution, whichever is later;
b. "detached condominium units," which for purposes of this Resolution shall be defined as any unit of a common interest community which is freestanding or does not share a common wall with any other unit, shall be assessed individually at the Flat Rate as of the date of the Declaration or the effective date of this Resolution, whichever is later.

COMMERCIAL ASSESSMENTS

All commercial assessments shall be determined by Formula. The Formula shall take into consideration a parcel's acreage (21% of total allocation), frontage (21% of total allocation), grand list valuation as shown on the Assessor's revaluation list of October 1, 2006 (21 % of total allocation), and number of units by zoning classification (37% of total allocation). Commercial properties include specified town properties and residentially zoned multi-family dwellings with more than two (2) units and all commercial uses.

Consideration has been given to area, frontage, grand list valuation, property use and potential use, classification and other relevant factors concerning the benefited properties as called for in the Connecticut General Statutes. The following rules and definitions apply to the assessments:

a. Determination of Frontage Rates. The formula for calculating a property's frontage rate shall be $50.90 x the property's total frontage as set forth in Schedule A.
b. Determination of Land Valuation Rate. The formula for calculating a property's land valuation rate shall be $.1084 x the property's 2006 assessed value as set forth on Schedule A. Total assessable land valuation shall be determined as shown on the assessor's records of the October 1, 2006 revaluation.
c. Determination of Acreage Rate. The formula for calculating a property's acreage rate shall be $3,727.64 x the property's total assessable acreage as set forth in Schedule A.
d. Determination of Unit Charge. The formula for calculating a property's unit charge shall be $2,972.40 x the total number of assessable units for the property as set forth in Schedule A.
e. Application of Frontage, Land Valuation, Acreage Rates and Unit Charge Rates. The frontage, land valuation, acreage and

unit charge rates, when applied to the assessable frontage, assessable land valuation, assessable acreage and assessable unit of each benefited property in a particular category, shall determine the total sewer assessment upon each benefited property benefited by this project in a particular category.

f. Determination of Frontage, Land Valuation, Acreage and Unit Charge in Particular situations. The rules for determining frontage, land valuation and acreage in the following particular situations shall be as follows:

Rule f.1 Straight frontage lots. All street lots within a block shall be measured only on the side fronting the sewer.

Rule f.2 Corner lots. All corner lots shall be measured at half the sum of all sides fronting the sewer if more than one side fronts the sewer.

Rule f.3 Lots on outside corner. If a corner is already divided among two or more lots, said lots shall not be considered corner lots.

Rule f.4 Lots facing cul-de-sac. Lots which have half or more than half of their actual front footage on the curved section of a cul-de-sac shall have the front footage calculated as the chord length of the curved section, plus the actual length of any straight line front footage. If less than half of the actual front footage is curved, the assessed front footage shall be the actual front footage.

Rule f.5 Through lots. All lots which run from one side of a block to another, thus fronting on two sewered streets, shall be measured at half the sum of the sides fronting the sewer, provided that in any event no more than four hundred (400) feet shall be assessed in a residential zone and any excess footage in a residential zone shall be deferred.

Rule f.6 Residential lots with more than four (400) feet sewered frontage. Lots zoned for residential use which have more than four hundred (400) feet of sewered frontage shall be assessed on the basis of four hundred (400) feet and the assessment of the remaining frontage shall be deferred.

Rule f.7 Residential lots which exceed four acres. In the case of lots zoned for residential use which have area exceeding four acres, the non-deferrable assessment will be on four acres. The remaining assessment will be deferred. In determining the valuation of the four acres, the valuation of the acreage of the house lot or any special use of the acreage normally carried on the assessor's card will be assessed. After taking that figure there will be added to it an amount determined by dividing the remaining assessed valuation by the remaining acreage and multiplying by the difference between the four nondeferrable acres and the house lot or special acreage referred to above.

Rule f.8 Residentially zoned acreage valued at same rate. In the case of property zoned for residential use where no residential or special use acreage is assessed, and all acreage is assessed at the same rate, the valuation of four non-deferrable acres will be computed by dividing the total assessed valuation by the total acreage and multiplying by four. The remainder will be deferred.

Rule f.9 Through lots of more than four acres on a sewered street with a structure on a non-sewered street. When a structure is located on a parcel of land zoned for residential use, and said parcel of land exceeds four acres, and said

structure is located on a non-sewered street, but said parcel also extends to a sewered street, in determining the land valuation of the said four acres one acre will be assessed on the sewered street at the street price with a twenty-five (25%) depreciation for a vacant lot. The value of the normal one-acre residential lot will be assessed and non-deferrable. The value of the remaining one (1) acre of non-deferrable land will be determined by dividing the remaining assessed valuation by the remaining acreage. Any assessment in excess of the amount determined as hereinabove provided shall be deferred.

Rule f.10 Physical use of residential zoned land. In all cases where physical use of property in residential zones exceeds four acres and/or four hundred (400) feet frontage on a sewer line, the actual physical use will be used for non-deferrable assessment. The remainder will be deferred.

Rule f.11 Sewer crossings. Where a public sewer crosses a lot, frontage shall be measured as the effective property distance crossed. Both street sewer frontage and crossing frontage shall be assessed. However, if a property has both street sewered frontage and crossing frontage, the crossing frontage will be deferred. Crossings on back and/or side yards shall be exempt if zoning regulations would not permit the lot to be divided into additional building lots.

Rule f.12 Utility easements and electrical transmission lines. Any lot, totally subject to a utility easement for electrical transmission lines so as not to be capable of other beneficial use, shall not be assessed.

Rule f.13 Utility owned land. Where utility companies own land in a residential zone in excess of four acres and the physical use of the land may exceed four acres because it is occupied by power lines and/or other structures which would prohibit further development and/or improvement, only four acres will be non-deferrable. The remainder will be deferred. Where utility companies own land in a residential zone with frontage in excess of four hundred (400) feet and the physical use of frontage on the sewer line exceeds four hundred (400) feet because of power lines and/or other structures as set forth herein, only four hundred (400) feet of frontage will be non-deferrable. The remainder will be deferred.

Rule f.14 Wasteland. Any single lot too narrow to build on shall be exempt from assessment. Regardless of the zone, land assessed as waste land by the assessor shall be exempt.

Rule f.15 Property in one parcel located in different zones. Whenever one portion of a parcel of property is located in a residential zone and another portion of said parcel is located in a zone other than a residential zone, the property shall be treated for purposes of determining entitlement to deferred assessments as if it were two parcels with only so much of the property as is located in the residential zone being entitled to be considered for deferments.

Rule f.16 Partially sewered frontage. In those cases in which property is serviced by a sewer line but the sewered frontage does not coincide with the entire frontage, the front footage assessed will be based on the entire front footage fronting on the sewered street.

Rule f.17 No actual sewered frontage. In the case of a property which will be connected to the sewer but has no actual sewered frontage, no frontage will be assessed.

Rule f.18 Lots abutting sewered street by right of way only. In the case of any lot which abuts a sewered street by right of way only, frontage shall be determined by measuring the width of the right of way.

Rule f.19 Sloping lots. Whenever a negative slope from the existing street sewer line makes a gravity connection to an existing detached single family dwelling impossible, the property owner will provide and maintain suitable ejectors at the property owners sole cost and expense.

Rule f.20 Public or quasi public properties. All property otherwise assessable shall be assessed under the rules hereinbefore and hereinafter provided for private properties notwithstanding their public or quasi public nature with the sole exceptions; sewage pumping stations, sewage treatment plants, cemeteries, property owned in fee simple by the State of Connecticut or the United States of America or any other property exempted by State or Federal, Public or Private Act from assessment.

Rule f.21 Paper streets. In the case of a right of way or paper street leading nowhere and serving no acreage in common ownership with the right of way or paper street, no assessment will be made of the paper street.

Rule f.22 Property classified as farm land, forest land or open space pursuant to the Connecticut General Statutes. Any property which on the effective date of this Resolution is properly classified as farm land, forest land or open space, pursuant to the Connecticut General Statutes, which property is not otherwise zoned residential, shall be treated as if it were zoned residential for purposes of determining an entitlement to a deferred assessment by reason of excess acreage, excess frontage or excess valuation. Said treatment shall continue for so long as the property continues to be so classified.

Rule f.23 Land abutting sewer line in unimproved and unaccepted street. Any land abutting a sewer line which line was constructed by the town in a street shown on an approved subdivision map shall be subject to assessment in accordance with the foregoing rules not withstanding the fact that the street has neither been built nor accepted.

Rule f.24 Railroad owned land. Where land owned by a railroad company is used solely as a road bed or rail right of way such property will not be assessed.

Rule f.25 Beaches. Where land owned by a beach association is used solely for beach purposes and contains no structures, such beach will not be assessed.

g. Calculation of units. In calculating units the following additional rules shall apply:

Rule g.1 Residential Zone:

i. Vacant Lot – 1 unit.
ii. Lot with single dwelling – 1 unit.
iii. Lot with two dwellings – 1 and one-half unit.

Rule g.2 Commercial/Special Use Zone:

i. Vacant Lot – 3 units
ii Lot with commercial structures – 3 units
iii. Lot with or without commercial structures and dwelling or dwellings – 3 units plus an additional unit for each dwelling.

iv. Lot with hotel or motel – 3 units plus 1 additional unit for each three guest rooms

v. Any property in a commercial/special use zone which is divided after the date of this resolution shall not be reassessed except in accordance with Paragraph 2 (i) contained herein.

Rule g.3 Industrial Zone:

i. Vacant Lot – 5 units

ii. Lot with industrial structure – 5 units

iii. Lot with or without industrial structure and dwelling or dwellings – 5 units plus an additional unit for each such dwelling

iv. Lot with hotel or motel – 5 units plus 1 additional unit for each three guest rooms

3. Later Expansion. Whenever any structure is constructed or expanded after the effective date of this Resolution, such structure shall be assessed according to the terms of the Resolution as if such structure had existed on the effective date of the Resolution, provided that the amount of any deferred assessment levied against the same land, or that portion of any deferred assessment levied against the same land which is the site of a subsequent structure shall be credited against any assessment due. The owner, builder or developer shall pay for the entire installation if a sewer extension is necessary to service the property, including all expenses incidental thereto in accordance with Section 5 of the Sewer Use and Sewage Disposal Ordinance. There shall be no credit againt the benefit assessment for these costs.

4. Deferred Assessments. Deferred assessments shall be deferred until such excess land shall be built upon or a building permit issued therefore, or until approval of a subdivision plan of such excess property by the planning commission having jurisdiction, whichever event occurs first, at which time assessment shall be made as provided herein. Provided further that the total deferred benefit to be assessed against lots used for single family residences shall not exceed the flat rate established herein times the number of such single family lots established. No lien securing payment shall be filed until property is assessed.

5. There is hereby assessed upon and against the lands and upon the owners of each property or unit of a common interest community affected by the foregoing public improvement which the Commission has found to be especially benefited by said public improvement, the benefit assessments shown after the name of the affected property owners and in the amount due column, being the amount of the owners' due proportion of the public improvement as assessed in accordance with the decision of the Commission. The benefited properties are listed by street and number according to names of owners; indicating the number of units, and the total due assessment, as applicable, and are more particularly set forth in Schedule "A" attached hereto.

6. That the owners of houses, buildings, units of a common interest community or other structures used as residences and located on the parcels of land abutting sanitary sewer Extension No. 5, more particularly described in Schedule "A" attached hereto, may opt to connect said houses, buildings, units and structures to the sewer, at their own expense, by written application to the Water and Sewer Commission. The obligation to make payment of the benefit assessment, and the interest thereon, shall not accrue until such time as the owners connect to the sewer. Said assessment shall be due and payable at the time when the owners

connect to the sewer. The owners may pay the entire amount of the assessment in full on or before the date of connection without interest or pay said assessment by installment payments made in accordance with Paragraph 6 hereo.

Provided, however, that if an existing subsurface disposal system servicing any of such houses, buildings, units or structures is not approved by the East Lyme Director of Health, or should the system fail at any time after said approval, or should a change in use of the premises require an expansion or improvement of an existing subsurface disposal system, a connection to the sewer system must be made within one hundred (120) days after being ordered to do so by the Commission, subject to the public hearing and appeal rights provided for in Connecticut General Statutes Section 7-257, et seq. Provided further, that houses, buildings, units or structures constructed during or after the installation of sanitary sewer Extension No. 5 shall be connected with the sewer in accordance with the provisions of this ordinance, within one hundred twenty (120) days after being ordered to do so by the Commission.

7. That the assessments set forth above shall be due and payable on April 1, 2010. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. The owners of any assessed property may pay the entire amount of the assessment in full on or before the date that it is due and payable without interest or may pay said assessment by installment payments made in accordance with Paragraph 6 hereof.

   If the election is made to pay said assessment by installment payments, the assessment for each property shall be made in fifteen (15) substantially equal annual installments, the first installment to be due and payable on the next April 1st following the date of this Resolution. Each subsequent payment of an installment will be due and payable on or before April 1st of each subsequent year. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. A notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

   Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum, together with all accrued interest, shall become due and payable, together with attorney's fees and costs of collection.

8. The interest at the rate of five (5%) percent per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in Paragraph 6 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof. Property owners may pay the entire assessment in full at such time as determined by resolution of the Commission without incurring any interest charges.

9. A benefit assessment or any installment thereof not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner provided by the General Statutes for delinquent property taxes, together with attorney's fees and costs of collection.

10. Each addition of interest shall be collectible as part of such assessment.

11. Whenever any installment of an assessment becomes delinquent, the interest on such deliniquent installments shall be as provided in Paragraph 8 above or Five ($5.00) Dollars, whichever is greater.

12. Any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording, and releasing property tax liens. Each lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property taxes.

BE IT FURTHER RESOLVED, that the installation of said public improvements as described hereinbefore, shall now be deemed duly and legally authorized; that said improvements have been duly and legally accepted by the Town of East Lyme; and that all assessments and benefits stated herein and in the public record of the Town of East Lyme Water and Sewer Commission shall be deemed duly and legally made. The Chairman of the Water and Sewer Authority shall cause a notice to be published listing properties against which benefits have been assessed, with the amount to be paid by each such owner and a notice of the date when the assessments are due and payable in accordance with Chapter 103 of the Connecticut General Statutes as amended. Said Chairman shall also cause to be mailed, postage prepaid, a copy of the assessment of benefits addressed to the owners of each property affected thereby at such owners' addresses as shown in the last completed grand list of the municipality or at any later addresses of which the Commission may have knowledge.

For a complete listing which includes frontage, acreage,assessed land value and units, see Water and Sewer file for 2009.

	OWNER	ADDRESS	MAP	LOT	ASSESSMENT
1	FIRST BAPT. CHURCH OF EAST LYME	162 BOSTON POST RD	31.1	18	$30,610.27
2	PARK PROPERTY LLC	166 BOSTON POST RD	31.1	19	$29,624.18
3	REILLY WILLIAM & IRENE M	170 BOSTON POST RD	31.1	20	$12,066.00
4	HOLT EDWARD THOMAS	172 BOSTON POST RD	31.1	21	$30,020.69
5	DERRIG PETER JR	174 BOSTON POST RD	31.1	22	$29,361.34
6	JUTILA JAMES J. & GLADYS M	175 BOSTON POST RD	31.1	30	$18,099.00
7	LIBERA PAUL J	176 BOSTON POST RD	31.1	23	$12,066.00
8	LUSHER EDWARD A.JR. & MARILYN	178 BOSTON POST RD	31.1	24	$12,066.00
9	MUNN ROBERT M. JR. & PLANTA CAROLYN	179 BOSTON POST RD	31.1	29	$30,619.19
10	POST ROAD INVESTMENT CO. LLC	180-2 BOSTON POST RD	31.1	25	$31,075.07

11	FANIOLA JOHN & JUDITH	183 BOSTON POST RD	31.1	28	$34,878.52
12	FANIOLA JOHN & JUDITH	185 BOSTON POST RD	31.1	27	$62,963.62
13	JANNARONE FRANK	189 BOSTON POST RD	30.2	72	$12,066.00
14	JANNARONE FRANK	191 BOSTON POST RD	30.2	71	$25,700.90
15	RANDO RONALD & URSULA	194 BOSTON POST RD	30.2	77	$48,012.97
16	HOLDRIDGE ALLENE L & DAVID	206 BOSTON POST RD	30.2	78	$47,067.91
17	THIBAULT THOMAS J. & ANZELMA	208 BOSTON POST RD	30.2	79	$36,333.24
18	EXTREME PROFIT LLC	211 BOSTON POST RD	30.2	64	$23,396.24
19	POWERS MICHAEL	217 BOSTON POST RD	30.2	63	$27,648.14
20	FALLON DENNIS J & MARYLYNN	221 BOSTON POST RD	30.2	62	$44,222.18
21	FILOSI PETER L	225 BOSTON POST RD	30.2	61	$27,085.08
22	GAKOPOULOS COSMOS	231 BOSTON POST RD	30.2	60/A1	$9,049.50
23	SENNETT SUZANNE & PETER A	231 BOSTON POST RD	30.2	60/A10	$9,049.50
24	GOTTLIEB JENNIFER	231 BOSTON POST RD	30.2	60/A11	$9,049.50
25	SPIGEL JOHN & NANCY	231 BOSTON POST RD	30.2	60/A12	$9,049.50
26	FRANCIS CHRISTOPHER & DORA SARPONG	231 BOSTON POST RD	30.2	60/A13	$9,049.50
27	CORMIER THERESA	231 BOSTON POST RD	30.2	60/A14	$9,049.50
28	SPADA MARGARET H	231 BOSTON POST RD	30.2	60/A15	$9,049.50
29	MARTIN KATHLEEN A	231 BOSTON POST RD	30.2	60/A16	$9,049.50
30	BARONE ROBERT J & PENNY D	231 BOSTON POST RD	30.2	60/A17	$9,049.50
31	SCAPLEN MARK	231 BOSTON POST RD	30.2	60/A18	$9,049.50
32	MASSUNG CHARLES F JR.& STEPHANIE L	231 BOSTON POST RD	30.2	60/A19	$9,049.50
33	GAKOPOULOS COSMOS	231 BOSTON POST RD	30.2	60/A2	$9,049.50
34	XUE HANLONG	231 BOSTON POST RD	30.2	60/A20	$9,049.50
35	PRESLEY THOMAS J	231 BOSTON POST RD	30.2	60/A21	$9,049.50
36	CHEN SHENG-PO	231 BOSTON POST RD	30.2	60/A22	$9,049.50
37	LABELLE MICHELLE M	231 BOSTON POST RD	30.2	60/A23	$9,049.50
38	MONDE CHRISTINE	231 BOSTON POST RD	30.2	60/A24	$9,049.50
39	WURM CLARE E	231 BOSTON POST RD	30.2	60/A3	$9,049.50
40	DIMAURO MICHAEL L.	231 BOSTON POST RD	30.2	60/A4	$9,049.50
41	DANIELS ELLEN LOUISE	231 BOSTON POST RD	30.2	60/A5	$9,049.50
42	CONSAGA ADELE	231 BOSTON POST RD	30.2	60/A6	$9,049.50
43	MURPHY THOMAS KEVIN	231 BOSTON POST RD	30.2	60/A7	$9,049.50
44	RATTAN SARJIT & KARAMJIT K	231 BOSTON POST RD	30.2	60/A8	$9,049.50

45	WORGUL SUSAN T	231 BOSTON POST RD	30.2	60/A9	$9,049.50
46	PANUZIO BETHANNE & LOUIS PLENZICK	241 BOSTON POST RD	30.2	42	$33,938.21
47	MARKOVITZ MICHAEL & J. DENISE	243 BOSTON POST RD	30.2	41	$12,066.00
48	CARPENTERI STEVEN	245 BOSTON POST RD	30.2	40	$37,579.24
49	TURNER TOM D	248 BOSTON POST RD	30.2	80	$12,066.00
50	POST ROAD INVESTMENT CO. LLC	249 BOSTON POST RD	30.2	39	$12,066.00
51	POST ROAD INVESTMENT CO. LLC	251 BOSTON POST RD	30.2	38	$35,881.07
52	POST ROAD PROPERTIES LLC	253 BOSTON POST RD	30.2	37	$21,187.77
53	HALL JANE F	254 BOSTON POST RD	30.2	81	$12,066.00
54	DUBREUIL ROBERT H & MARCIA S	256 BOSTON POST RD	30.2	82-2	$12,066.00
55	SMITH, JOAN-LIFE USE ALFRED SMITH	297 BOSTON POST RD	30.1	57	$18,099.00
56	HAGEN MARY ELLEN TR. & TIMOTHY	309 BOSTON POST RD	30.1	3	$12,066.00
57	TOBIN ROBERT D	313 BOSTON POST RD	30.1	2	$18,099.00
58	CANTWELL MICHAEL & CHRISTINE	317 BOSTON POST RD	30.1	1	$12,066.00
59	ULERY PATRICIA J	318 BOSTON POST RD	30.3	10	$12,066.00
60	GEDNEY ROGER W., RUTH G. & DORIS	321 BOSTON POST RD	30.3	9	$12,066.00
61	HAALAND MAUREEN D	322 BOSTON POST RD	30.3	11	$12,066.00
62	SMART JOHN	329 BOSTON POST RD	30.3	8	$12,066.00
63	QUINN JAMES K. & MARGUERITE G	330 BOSTON POST RD	30.3	12	$12,066.00
64	BALIZET PHILIP & KATHLEEN M	331 BOSTON POST RD	30.3	7	$12,066.00
65	MCCLURE MARY B	332 BOSTON POST RD	30.3	13	$12,066.00
66	ROMANYCH LUCILLE A	333 BOSTON POST RD	30.3	6	$12,066.00
67	CHOATE ALLEN & BRENDA	334 BOSTON POST RD	30.3	15-1	$12,066.00
68	LYONS CYNTHIA L	335 BOSTON POST RD	30.3	5	$12,066.00
69	SCACCIAFERRO GEORGE	336 BOSTON POST RD	30.3	15-3	$12,066.00
70	SCACCIAFERRO GEORGE	338 BOSTON POST RD	30.3	15	$12,066.00
71	MASON MELISSA M	338C BOSTON POST RD	30.3	15-4	$12,066.00
72	BIRCHALL RONALD J. & NANCY M	339 BOSTON POST RD	30.3	4	$12,066.00
73	KAVANAUGH JOYCE	340 BOSTON POST RD	30.3	16	$12,066.00
74	PETERSON PAUL DG	341 BOSTON POST RD	30.3	3	$12,066.00
75	TOOKER CRAIG & HEATHER	342 BOSTON POST RD	30.3	17	$12,066.00
76	CHANSKI MARK & D'ANNE J	343 BOSTON POST RD	30.3	2	$12,066.00
77	HELMS DONALD B. & MOLLY A	344 BOSTON POST RD	30.3	18	$12,066.00
78	RODRIGUEZ NANCY & JOSE	345 BOSTON POST RD	30.3	1	$12,066.00

79	LINDNER ROBERT H	347 BOSTON POST RD	29	47	$12,066.00
80	FARAG BAHER Z & MERVET F	349 BOSTON POST RD	29	46	$12,066.00
81	DECOSTA A. JAMES & BONNIE L	351A BOSTON POST RD	29	45	$12,066.00
82	MARTIN LEONIDE & JOAN	353 BOSTON POST RD	29	43	$12,066.00
83	STEVENS STEPHANIE EILEEN ET AL	354 BOSTON POST RD	29	51	$12,066.00
84	RAMONES DANIEL ET AL	356 BOSTON POST RD	29	52	$12,066.00
85	CIOCI HOWARD & DIANE R	359 BOSTON POST RD	29	42	$12,066.00
86	LEGER LIZABETH M	365 BOSTON POST RD	29	41	$12,066.00
87	SILVA JAMES & REBECCA M	367 BOSTON POST RD	29	40	$12,066.00
88	MANSFIELD WILLIAM & PATRICIA	67 CHARTER OAK DR	30.2	98	$12,066.00
89	WATERMAN KENNETH C	71 CHARTER OAK DR	30.2	97	$12,066.00
90	MUNIZ LUISA C. TR	75 CHARTER OAK DR	30.2	96	$12,066.00
91	TITUS JAMES M. & PATRICIA A	79 CHARTER OAK DR	30.2	95	$12,066.00
92	ESPINAL PEDRO	81 CHARTER OAK DR	30.2	94	$12,066.00
93	NEWTON PATRICIA F & WILLIAM J	83 CHARTER OAK DR	30.2	93	$12,066.00
94	SCOTT PATRICIA ANN	9 LOVERS LN	30.3	33	$12,066.00
95	L & L CONSTRUCTION, INC.	5 MILL RD	30.2	59	$68,377.05
96	CABRAL MARK & KRISTEN	2 NAOMI LN	30.3	19	$12,066.00
97	CAREY DANIEL & PATRICIA M	3 NAOMI LN	29	50	$12,066.00
98	CIOCI HOWARD	SCOTT RD	29	16	$12,066.00

Filed in office of Town Clerk on June 17, 2009.

ORDINANCE DESIGNATING HISTORIC PROPERTIES AND ESTABLISHING AN HISTORIC PROPERTIES COMMISSION

1. The Board of Selectmen, having received and reviewed the final report of the East Lyme Historic Properties Study Committee prepared in accordance with Section 7-147q of the Connecticut General Statutes, finds that the hereinafter described properties are significant in the history, architecture, archaeology and culture of the Town of East Lyme and the State of Connecticut and that the distinctive characteristics of said properties should be preserved and protected, and hereby designates the following as historic properties in the Town of East Lyme:

First Parcel: a certain piece or parcel of land, with the buildings thereon, located on the southerly side of the West Main Street, known generally as the “Thomas Lee House”, more particularly bounded and described as follows:

Beginning at a point that marks the northwesterly corner of the herein described parcel, said point located N 60 degrees 01’ 20” E 189.91 feet from a Connecticut Highway Department monument recovered located at the intersection of Giants Neck Road and West Main Street; thence S 22 degrees 23’ 40” E 127.25 feet to a point; thence N 79 degrees 11’ 02” E 61.66 feet to a point; thence N 01 degrees 46’ 00” E 66.80 feet to a point; thence N 21 degrees 59’ 00” W 90.45 feet to a point, said point being at the

southerly side of West Main Street, the last four courses being along land now or formerly of the town of East Lyme; thence S 60 degrees 01' 20" W 89.17 feet along the southerly side of West Main Street to the point and place of beginning.

The above described Parcel of land with improvements contains 11,586 square feet and is depicted on a certain map entitled BOUNDARY SURVEY WEST MAIN STREET & GIANTS NECK ROAD EAST LYME, CT. PREPARED FOR THE EAST LYME HISTORICAL SOCIETY, INC. AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE OF CONNECTICUT D.E.P. #0441998112001 SCALE 1" = 40' NOV. 20, 1998 REV 2/20/99 AND REV 2/29/00 and signed and sealed by DAVID M. COONROD L.L.S. NIANTIC, CT. on file with the Connecticut Department of Environmental Protection, to which references may be had (hereinafter "the Map").

Reference may be had to a certain Warrantee Deed from Jerome R. Rathbun to The East Lyme Historical Society dated April 20, 1914 and recorded at Volume 17 Page 307 of the East Lyme land records. In the event of any discrepancy, the Map shall control.

Second Parcel: A certain piece or parcel of land, with the buildings thereon, located on the southerly side of West Main Street, known generally as the "Little Boston School House", the "Lee House Barn" and related buildings, more particularly bounded and described as follows:

Beginning at a Connecticut Highway Department monument recovered, located at the intersection of Giants Neck Road and West Main Street which marks the northwest corner of land of the State of Connecticut to be conveyed; thence N 60 degrees 01' 20" E 189.91 feet along the southerly side of West Main Street to a point; thence S 22 degrees 23' 40" E 127.25 feet to a point, thence N 79 degrees 11' 02" E 61.66 feet to a point, thence N 01 degrees 46' 00" E 66.80 feet to a point, thence N 21 degrees 59' 00" W 90.45 feet to a point, the last four courses along land now or formerly East Lyme Historical Society; thence N 60 degrees 01' 20" E 23.42 feet to a Connecticut highway Department monument recovered, thence N 56 degrees 37' 08" E 148.49 feet to an iron pin recovered, the last two courses along the southerly side of West Main Street, thence S 35 degrees, 02' 00" E 284.42 feet to a point; thence S 35 degrees 45' 27" E 108.07 feet to a point in a brook, the last two courses along land now or formerly Phyllis Perkins; thence S 33 degrees 39' 26" W 240.81 feet to an iron pin set, the last course along other land of the State of Connecticut, thence N 27 degrees 38' 08" W 108 feet to a point along land now or formerly Paul and Joyce Riccio; thence N 27 degrees 38' 08" W 75.00 feet to an iron pin set; thence S 69 degrees 39' 11" W 203.37 feet to an iron pin recovered; thence S 56 degrees 07' 53" W 65.46 feet to an iron pin recovered, the last three courses along land now or formerly Robert Ashburn, thence the following two courses along the east side of Giants Neck Road, N 35 degrees 51' 03" W 200.00 feet to an iron pin set, thence N 24 degrees 10' 30" W 77.98 feet to the point and place of beginning.

The above-described Parcel of land with improvements contains 3.497 acres and is depicted on a certain map entitled BOUNDARY SURVEY WEST MAIN STREET & GIANTS NECK ROAD EAST LYME, CT PREPARED FOR THE EAST LYME HISTORICAL SOCIETY, INC AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE OF CONNECTICUT D.E.P. #0441998112001 SCALE 1" = 40' NOV 20, 1998 REV 2/20/99 AND REV 2/29/00 and signed and sealed by DAVID M COONROD LLS NIANTIC CT. on file with the Connecticut Department of Environmental Protection, to which references may be had (hereinafter "the Map").

Being the same premises bounded and described within Public Act 98-255 Sec 15(a). Being the same premises bounded and described in a certain Lease between the

Town of East Lyme and the East Lyme Historical Society dated January 1, 2001 and recorded at Volume 515 Page 248 of the East Lyme land records. In the event of any discrepancy, the Map shall control.

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2. There is established a five member Historic Properties Commission which shall administer the provisions of the Connecticut General Statutes relative to historic properties now or hereafter designated by the Town of East Lyme, with all the authority, powers and responsibilities of historic properties commissions set forth in Section 7-147r of the Connecticut General Statutes, as amended from time to time.

3. The members of the Commissions shall be appointed in the following manner: three terms shall be filed by appointment until the first Monday of January, 2010 at which time they shall be filled by appointment for four years. Two terms shall be filled by appointment until the first Monday of January, 2012, at which time they will be filled by appointment for four years.

4. There shall be three alternate members of the Commission. The terms of two alternate members shall be filled by appointment until the first Monday of January, 2010, at which time they shall be filled by appointment for four years. The term of the other alternate members shall be filled by appointment until the first Monday of January, 2012, at which time it will be filled by appointment for four years. Such alternate members shall, when seated, have all the powers and duties of a member of the Commission.

5. On the effective date of this ordinance, the East Lyme Historic Properties Study Committee shall be terminated.

Dated at East Lyme, Connecticut, on this 11th day of August, 2009.

EAST LYME BOARD OF SELECTMEN
By Paul M. Formica, First Selectman, duly authorized

Ordinance effective September 16 2009.

FILED IN EAST LYME TOWN
CLERK'S OFFICE
Oct 29 20 09 at 11:40 AM
Esther B Williams
EAST LYME TOWN CLERK

TOWN OF EAST LYME
WATER AND SEWER COMMISSION
NOTICE OF ADOPTION OF WATER RATES AND CHARGES

NOTICE IS HEREBY GIVEN that the East Lyme Water and Sewer Commission at its meeting on October 27, 2009 adopted the revisions to rates and charges for use of the East Lyme water system. The revised water rates and charges are as follows:

SCHEDULE I – RATES FOR USAGE based on meter readings at six month intervals.

	Rate
Minimum charge per six month period, for usage up to a maximum of 3,500 gallons per six month period	$40.00
3,501 gallons, to 50,000 gallons per six month period	$3.23/1,000 gallons
3,501 gallons, to 675,000 gallons per six month period	$3.56/1,000 gallons
3,501 gallons to over 675,000 gallons per six month period	$3.88/1,000 gallons

SCHEDULE II – MISCELLANEOUS WATER CHARGES

Permit Application for Water Connection	
Class 'A'- Residential	$100.00
Class 'B'- Multi Family and Commercial	$200.00
Class 'C'- Industrial	$500.00
Demolition/Disconnect-Any Class	$50.00
ANNUAL PRIVATE HYDRANT CHARGE	$150.00
ANNUAL FIRE SPRINKLER CHARGE	$150.00
METER CHARGES (FLAT RATE)	
Meter Deposits	$70.00
Frozen Meter Repair (normal working hours)	$65.00
Frozen Meter Repair (after normal working hours)	$97.50
Install/Disconnect Meter (normal working hours)	No Charge
Install/Disconnect Meter (after normal working hours)	$65.00
Meter Test (accurate within 2%)	$65.00
Meter Test (meter error > 2%)	No Charge
SALE OF WATER DEPT. STOCKED MATERIALS	Cost, incl. shipping, plus 12% admin. fee

INSPECTION SERVICES (HOURLY RATE)

During Normal Working Hours	$65.00/hour
After Normal Working Hours	$97.50/hour

TURN ON/SHUT OFF (FLAT RATE)

During Normal Dept. Working Hours	No Charge
After Normal Dept. Working Hours	$97.50
Season Customer Turn On/Off > 1 per year	$97.50
Turn On (after shut off for nonpayment of water bill)	$65.00

CONNECTION CHARGES

¾-inch service (April 1 to November 30)	$2,000.00
¾-inch service (December 1 to March 31)	$2,000.00 or actual cost
1-inch service or greater	Actual cost incurred

These revised rates and charges shall be effective on November 1, 2009. Rates for usage shall be payable at six month intervals. All other rates shall be payable at the time services are rendered.

Dated at East Lyme, Connecticut on this 27th day of October, 2009.

EAST LYME WATER AND SEWER COMMISSION

By _____
Paul M. Formica, Its Chair

NOTICE OF ADOPTION OF SEWER RATES AND CHARGES

NOTICE IS HEREBY GIVEN that on October 28, 2009, the East Lyme Water and Sewer Commission filed with the East Lyme Town Clerk the following revised schedule of rates and charges for connection with and use of the East Lyme sewerage system:

Application for Connection	Rate
Class 'A' – Residential	$100.00
Class 'B' – Multi Family and Commercial	$200.00
Class 'C' – Industrial	$500.00
Demolition/Disconnect-Any Class	$ 50.00

Sale of Stocked Material	Cost incl. shipping, plus 12% admin fee

Inspection Services

During Normal Working Hours	$ 65.00/hour
After Normal Working Hours	$ 97.50/hour

Usage, based on metered water readings at billing intervals

Metered	$5.40/1,000 gallons
Unmetered, per six month period	$135.00

These revised rates and charges shall be effective on November 1, 2009. Rates for usage shall be payable at six month intervals. All other rates shall be payable at the time services are rendered.

The owners of properties against which the revised rates and charges are to be levied are hereby notified that any appeals from the revised charges must be taken within twenty-one days after the date that this notice was filed with the East Lyme Town Clerk.

EAST LYME WATER AND SEWER COMMISSION
By: Paul M. Formica, Its Chair

NOTICE OF ADOPTION OF SEWER RATES

NOTICE IS HEREBY GIVEN that on October 23, 2012, the East Lyme Water and Sewer Commission approved the following revised schedule of rates and charges for connection to and use of the East Lyme sewerage system:

	Rate
Application for Connection Permit	
Class 'A'-Residential	$100.00
Class 'B'-Multifamily and Commercial	$200.00
Class 'C'-Industrial	$500.00
Demolition/Disconnect-Any Class	$50.00
Sale of Stocked Material	Cost, incl. Shipping, plus 12% admin fee
Inspection Services	
During Normal Working Hours	$65.00/hour
After Normal Working Hours	$97.50/hour
Usage, based on metered water readings at billing intervals	
Metered	$5.94/1,000 Gallons
Unmetered, per six 6 month period	$148.52

These revised rates and charges shall be effective on November 1, 2012. Rates for usage shall be payable at six month intervals. All other rates shall be payable at the time services are rendered.

The owners of properties against which the revised rates and charges are to be levied are hereby notified that any appeals from the revised rates and charges must be taken within twenty-one days after the date this notice was filed with the East Lyme Town Clerk on October 26, 2012.

Dated at East Lyme, Connecticut on this 24th day of October 2012

EAST LYME WATER AND SEWER COMMISSION

By Paul M Formica, Its Chair

NOTICE OF ADOPTION OF WATER RATES

NOTICE IS HEREBY GIVEN that on October 23, 2012, the East Lyme Water and Sewer Commission approved the following revised schedule of rates and charges for connection to and use of the East Lyme water system. The revised water rates and charges are as follows:

SCHEDULE I – RATES FOR USAGE based on meter readings at six month intervals.

	Rate
Minimum charge per six month period, for usage up to a maximum of 3,500 gallons per six month period	$44.98
3,501 gallons, to 50,000 gallons per six month period	$3.63/1,000 Gallons
3,501 gallons, to 675,000 gallons per six month period	$4.00/1,000 Gallons
3,501 gallons, to over 675,000 gallons per six month period	$4.37/1,000 Gallons

SCHEDULE II – MISCELLANEOUS WATER CHARGES

Application for Connection Permit	
Class 'A'-Residential	$100.00
Class 'B'-Multi Family and Commercial	$200.00
Class 'C'-Industrial	$500.00
Demolition/Disconnect-Any Class	$50.00
ANNUAL PRIVATE HYDRANT CHARGE	$150.00
ANNUAL FIRE SPRINKLER CHARGE	$150.00
METER CHARGES (FLAT RATE)	
Meter Deposits	$70.00
Frozen Meter Repair (normal working hours)	$65.00
Frozen Meter Repair (after normal working hours)	$108.00
Install/Disconnect Meter (normal working hours)	No Charge
Install/Disconnect Meter (after normal working hours)	$108.00
Meter Test (accurate within 2%)	$65.00
Meter Test (meter error > 2%)	No Charge
SALE OF WATER DEPT. STOCKED MATERIALS	Cost, incl. Shipping, plus 12% admin. Fee
INSPECTION SERVICES (HOURLY RATE)	
During Normal Working Hours	$65.00/hour
After Normal Working Hours	$97.50/hour
TURN ON/SHUT OFF (FLAT RATE)	

During Normal Dept. Working Hours	No Charge
After Normal Dept. Working Hours	$108.00
Season Customer Turn On/Off > 1 per year	$97.50
Turn On (after shut off for nonpayment of water bill, During normal working hours)	$65.00

CONNECTION CHARGES

¾-inch service (April 1 to November 30)	$2,000.00
¾-inch service (December 1 to March 31)	$2,000.00 or actual cost
1-inch service or greater	Actual cost incurred

The revised rates and charges shall be effective on November 1, 2012. Rates for usage shall be payable at six month intervals. All other rates shall be payable at the time services are rendered.

Dated at East Lyme, Connecticut on this 24th day October, 2012.

EAST LYME WATER AND SEWER COMMISSION

By Paul M. Formica, Its Chair

TOWN OF EAST LYME
NOISE CONTROL ORDINANCE

I. PURPOSE: Pursuant to the general authority of Connecticut General Statutes 7-148 and the specific authority of Connecticut General Statute Section 22a-73(c) it is hereby resolved that to preserve and promote the health, safety and general welfare of the citizens of the Town of East Lyme (the "Town"), it is in the common interest to enact a reasonable regulation pertaining to the reduction, control and/or prevention of noise as to promote a general environment free from excessive noise and vibration.
This ordinance is enacted to preserve, protect and promote the public health, safety, convenience, general welfare, peace, quality of life, and property values for the citizens of East Lyme, and to facilitate the enjoyment of natural resources and tranquility of the town, through the reduction, control and prevention of excessive noise and vibration.

II. DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this chapter:

AMBIENT NOISE OR BACKROUND NOISE – Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF SELECTMEN – The Board of Selectmen of the Town of East Lyme or a duly authorized officer.

COMMERCIAL ZONE – As set forth in the East Lyme Zoning Regulations and all associated therewith either permitted as a right or as a special use.

CONSTRUCTION – Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

CONSTRUCTION EQUIPMENT – Any equipment or device operated by any fuel or electric power used in construction or demolition work.

DAYTIME HOURS – The hours beween 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

DECIBEL – A logarithmic unit of measure in measuring magnitudes or sound. The symbol of dB.

DEMOLITION – Any dismantling, intentional destruction or removal of structures, utilities, public or private right-or-way surfaces or similar properties.

DOMESTIC POWER EQUIPMENT – Including but not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY – Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE – Any motor vehicle authorized by the State of Connecticut o have sound warning devices, such as sirens and bell, which can lawfully be used when responding to an emergency. (14-283)

EMERGENCY WORK – Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.

IMPULSE NOISE – Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE – As set forth in the East Lyme Zoning Regulations and all uses associated therewith, either permitted as a right or a special use.

MOTOR VEHICLE – Per Section 14-1 of the Connecticut General Statutes.

MUFFLER – A devise for abating sounds such as escaping gases.

NIGHTTIME HOURS – The hours between 10 p.m. and 7 a.m., Sunday evening through Saturday morning, except that “night” shall mean the hours between 10 p.m. Saturday and 9:00 a.m. Sunday.

NOISE – Any sound, the intensity of which exceeds the standards set forth on Page 3.

NOISE LEVEL – The sound pressure level as measured wih a sound level meter using the A-weighting network. The level so read is designed db(A) or dBA.

PERSON – Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES-Any building, structure, land or portion thereof, including all appurtenances, and shall include yard, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's premises includes contiguous publicly dediated street and highway rights-or-way, all road right-or-ways and waters of the state.

PROPERTY LINE-That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY-Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL MOTORIZED VEHICLE – Any motorized vehicle, whether or not duly licensed and registered, including but not limited to commercial or non-commercial racing vehicles, motorcycles, dirt bikes, go-carts, ATV's, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

RESIDENTIAL ZONE – Those residential districts as defined and set forth in the East Lyme Zoning Regulations and all uses associated therewith either permitted as a right or as a special use.

SOUND – A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations including but not limited to an auditory response when impinging on the ear.

SOUND LEVEL METER – An instrument used to take sound-level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4 – 1971. (Type S2A)

SOUND PRESSURE LEVEL- Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter and is expressed in decibels (dB).

III. NOISE LEVELS: No person shall cause or allow the emission of excessive noise beyond the boundaries of his/her premises in excess of the following Noise Levels:

Property Use Emitter	**Property Use Receptor**			
	Residential:		Non Residential:	
	Day	Night	Day	Night
Residential Zone Emitter	55 dBA	45 dBA	55 dBA	45dBA
Non-residential Zone Emitter	55 dBA	45 dBA	52dBA	45dBA

Measurements shall be taken at a point on the property line of the emitter closest to the receptor and/or at the property line at any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance.

In cases where the emitter is located on jointly owned property, such as industrial parks and condominiums, the noise measuring equipment (i.e. microphone) shall be placed at a fifty foot (50') distance from the noise source. The microphone shall be placed no closer than five feet from any wall and not less than three feet above ground that is located about one foot (1') beyond the boundary of the emitter's premises within the receptors premises. The emitter's premises include his/her individual unit of land or group of contiguous parcels under same ownership as indicted by public land records.

A. No person shall cause or allow the emission of impulse noise in excess of eighty (80) dBA peak sound pressure level during the night time to any residential noise zone.

B. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) dBA peak sound pressure level at any time to any zone.

C. In those individual cases where the background noise levels caused by sources not subject to this ordinance exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by 5 dBA, provided that no source subject to the provisions of the Noise Levels section (Page 3 Sec. III), shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of the other sections of the ordinance.

IV.**EXCLUSIONS**: These levels shall not apply to noise emitted by or related to:

A. Natural phenomena
B. Any bell or chime from any building clock, school or church.
C Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided however, that burglar alarms not terminating in thirty minutes after being activated shall be unlawful.
D. Warning devices required by the Occupational Safety and Health Administration of other state of federal safety regulations.
E. Farming equipment or farming activity.
F. Train horns and signals.

V. EXEMPTIONS: The following shall be exempt from these regulations subject to special conditions as spelled out:

A. Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on Page 3 Sec. III.
B. Noise created as a result of or relating to an emergency.
C. Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
D. Noise from snow removal equipment.

E. Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation.
F. Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration.
G. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town or State of Connecticut, including but not limited to parades, sporting events, concerts and firework displays.
H. Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities.
I. Noise generated by the police and other established shooting facilities as permitted by Connecticut Firearms laws Sec. 22a-74a.

VI. REFUSE COLLECTION NOISE
All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term “refuse collectors” shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

VII. MOTOR VEHICLE NOISE:
A. All motor vehicles as defined in Section 14-1 of Chapter 246 of the Connecticut General Statutes, operated within the limits of the Town of East Lyme shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
B. No sound-amplifing devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the Noise Levels section (Page 3 Sec. III).
C. No person shall operate or cause to be operated any Recreational Motorized Vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in Section III, Noise Levels.

VIII. ENFORCEMENT AND PENALIES FOR OFFENSES

A. The East Lyme Police Department (the “Police Department”) shall be responsible or investigating and documenting, through acoustic measurements, violations of this ordinance.

B. Any person or entity violating any provision of the ordinance shall be fined ninety ($90.00) dollars and each additional violation shall constitute a separate offense. Any certified law enforcement agent with jurisdiction in the Town of East Lyme is hereby authorized to issue infraction ticket (s) pursuant to Connecticut General Statutes Section 51-164p(a),Section 51-164m and Section 51-164n.

C. The provisions of this ordinance are in addition to, and not in lieu of, any other remedies available to the Town of East Lyme under the Connecticut General Statutes and other sections of the TownCharter. The issuance of infraction tickets under this ordinance shall not preclude the exercise of such other remedies. In addition, the Town of East Lyme may seek injunctive relief for continued or repeated violations.

IX. VARIANCES
A. Any person living or doing business in East Lyme may apply to the Town’s Board of Selectman for variance from one (1) or more of the provisions of the ordinance which

are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplied all of the following information to the Board of Selectmen at least twenty (20) days prior to the start of said activity.

1. The location and nature of the activity.
2. The time period and hours of operation of said activity.
3. The nature and intensity of the noise that will be generated.
4. Any other information required by the Board of Selectmen.

B. No variance from these regulations shall be allowed unless it has been demonstrated that:

1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
2. The noise levels generated by the proposed activity will not constitute a danger to the public health.
3. Compliance with the regulations constitutes an unreasonable hardship on the applicant.

C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of said activity. The approval or rejection shall be writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

D. Failure to rule on the application in the designated time shall constitute approval of the variance.

X. SEVERABILITY

A. If any term or provision, or any portion thereof, of this Ordinance, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of the Ordinance, or the application of such term or provision to persons or circumstances, other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law. Should a court of competent jurisdiction find any provision or part of a provision unenforceable as written the court may reform such provision or part of a provision to render it enforceable consistent with the general intent of the remaining portion of such provision and/or this Ordinance.

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AN ACT INCORPORATING THE TOWN OF EAST LYME

Upon the petition of sundry inhabitants of the towns of Lyme and Waterford, in the county of New London, praying for reasons set forth, that a division may be made of said towns and that a new town may be incorporated therefrom, as per petition on file:

RESOLVED, That all that part of the towns of Lyme and Waterford, lying and being within the following boundaries, viz: beginning at the middle of the draw in the rope ferry bridge, over the Niantic River, thence northwesterly and northerly up the main channel of said river, to the middle of straits bridge over the same; thence still northerly along and with the said channel to where the lake pond brook enters said river; thence still northerly by and with the stream of said brook, to the middle of the bridge over the same, near Comstock's oil mill, and thence a straight line to the northwest corner of the town of Waterford, which is also the southwesterly corner of the town of Montville; thence northerly by the line of said Montville, to the south line of the town of Salem; thence westerly by and with the line of said Salem to the west side of Mather's patent, so called, and which place is also known as the northeasterly corner of Dudley Clark's land; thence southerly to a walnut tree at the turn of the highway near the dwelling house of Buel Royce; thence southerly to a large rock with stones upon it, on the land of Joel Loomis, Esq., about thirty rods east of the New London and Lyme turnpike road; thence southerly to a stone, twelve rods west of the Harding house, now owned by the Rev. Matthew Noyes, and to continue said line to its junction with four mile river; thence southerly by said river to Long Island Sound; thence easterly by the sound and Niantic Bay, to the place of beginning, be and the same is hereby made and constituted a separate and distinct town, by the name of EAST LYME, and all the inhabitants, now or at any time residing within said limits, excepting the Waterford town paupers, now in the pauper house of said town of Waterford, shall be and remain a separate and distinct corporation, with all the powers, rights and privileges, and subject to all the liabilities and obligations of other towns in this state, with the right of sending one representative to the general assembly.

RESOLVED FURTHER, SEC. 2. That all the paupers of said old town of Lyme shall be divided between the town of Lyme and that part of East Lyme, formerly included in said town of Lyme, according to their respective assessment lists on the levy of 1838, and all the paupers of the said old town of Waterford, in like manner are to be divided between the town of Waterford and that part of East Lyme, taken from said old town of Waterford, as above specified; and all persons who may hereafter become paupers and residing in other towns except said Lyme and Waterford, who have not gained a settlement elsewhere, shall be chargeable to said town of East Lyme, provided they had a residence within its boundaries, and removed therefrom prior to the passage of this bill. And said new town shall pay its proportion according to the assessment list of 1838, of all the debts, liabilities, charges and expenses, already due and commenced, or which may exist against the towns of Lyme and Waterford, at the time of the passage of this bill. And said new town shall receive its proportion according to said lists, of all the funds and property, including the proportion of the town deposit fund, belonging to said old towns of Lyme and Waterford, at the time of the passage of this bill, excepting the public records; always provided, that if after the organization of said town of East Lyme, the selectmen of the aforesaid towns do not agree in the division of paupers or funds and property belonging to said towns of Lyme or Waterford, the selectmen of either town may apply to Henry Perkins of Salem, Robert Comstock of Montville, and John Hyde of Stonington, who are hereby authorized and empowered to divide said paupers and funds and property, in manner and form as aforesaid, which division shall be final and conclusive.

SEC. 3 The town and highway taxes, laid upon the polls and ratable estate in said old towns of Lyme and Waterford, in the month of October, 1838, shall be divided between said towns according to the list of polls and ratable estate in said towns respectively; and said new town of East Lyme may appoint a collector, who shall have power to collect all that part of said town taxes, which has accrued within, and belonging to said town of East Lyme.

RESOLVED FURTHER, SEC. 4 That a meeting of the inhabitants of said town of East Lyme shall be warned by Joel Loomis, Esq., or in his absence, by Edward R. Warren Esq., to be held at the Baptist meeting house, in said EastLyme, at such time as he shall appoint, within twenty days from the time this bill shall take effect, for the purpose of choosing all the necessary and proper officers of said town; which meeting shall be warned in the same manner as town meetings in said Lyme have heretofore been, by posting notices, and shall have power to transact any business proper to be done by said town; and said Loomis, or in his absence, said Warren, shall be moderator of said meeting.

SEC. 5 That this act shall take effect from and after the day of its passage.

Special Laws Vol. 4, page 1242

ANNEXING AUSTIN F. PERKINS TO SECOND SCHOOL DISTRICT IN EAST LYME. PASSED 1844

Upon the petition of Austin F. Perkins, of East Lyme, in the county of New London, showing that he lives near the dividing line between the ninth school district, New London school society, and the second school district in the first school society in East Lyme, praying to be annexed to the said second school district in East Lyme, aforesaid:

RESOLVED, That the said Austin F. Perkins be separated from the ninth school district in New London school society, and annexed to the said second school district in the first school society in East Lyme, subject to all the privileges and burdens thereof.

Special Laws Vol. 4, page 1135

CHANGING NAME OF SECOND SCHOOL SOCIETY OF LYME TO THE FIRST SCHOOL SOCIETY OF EAST LYME

PASSED 1841

RESOLVED BY THIS ASSEMBLY, That that part of the town of East Lyme, heretofore known and denominated as the second school society of the town of Lyme, shall hereafter be denominated the first school society of the Town of East Lyme.

Special Laws Vol. 4, page 1166

MILEAGE OF THE TOWN OF EAST LYME

PASSED 1840

RESOLVED BY THIS ASSEMBLY, That the mileage from the town of East Lyme, in New London county, be, to New Haven, forty-eight miles, and to Hartford, forty-four miles.

Special Laws Vol. 4, page 1244

PROVIDING FOR THE APPOINTMENT OF A TRUSTEE OF THE FUND DEVISED BY ELISHA MILLER, LATE OF LYME, DECEASED, FOR SCHOOL PURPOSES

WHEREAS, Elisha Miller, of the town of Lyme, in 1796 devised by will certain property to the Second Ecclesiastical Society of said town of Lyme, to be held as a fund, the income of which was to be appropriated to the support of schools in said society, and

WHEREAS, by the division of said town of Lyme, the said Second Ecclesiastical Society was embraced within the limits of the town of East Lyme, and

WHEREAS, there no longer exists any Second Ecclesiastical Society of Lyme or East Lyme, having control of any school matters; therefore,

RESOLVED BY THIS ASSEMBLY, That the court of probate for the district of East Lyme be, and it is hereby authorized and directed to appoint a trustee of said fund, whose duty it shall be to invest said fund, under direction of said court of probate, and apply the income annually in accordance with the provisions of said will, in aid of schools located within, and of scholars resident within that part of East Lyme, which, prior to the division of said town of Lyme, was comprised within the limits of said Second Ecclesiastical Society of Lyme. Said trustee shall annually return to said court a statement of the condition of said fund, with his account. Said trustee shall be a resident of that part of the town of East Lyme comprised within the limits of said society. Approved, July 24th, 1868.

Special Laws Vol. 6, page 403

AN ACT RELATING TO THE ENCAMPMENT OF THE CONNECTICUT NATIONAL GUARD

Be it enacted by the Senate and House of Representatives in General Assembly convened: The town of East Lyme may, at a special town meeting warned and held for the purpose, adopt by-laws regulating the sale of goods, merchandise, or other articles at booths, by peddlers, and regulating the licensing of carriages or other vehicles for public use during the time when the Connecticut National Guard or any part thereof is

encamped in said town; but all restraints and prohibitions prescribed by such by-laws shall extend to all persons without discrimination.

Special Laws Vol. 9, page 238
Approved April 14, 1881

ESTABLISHING SCHOOL DISTRICT LINES IN THE TOWN OF EAST LYME

RESOLVED BY THIS ASSEMBLY: The district lines of the second school district in the Town of East Lyme, as run and defined by the selectmen thereof on the fifteenth day of June, A.D. 1877, and recorded in book five (Page 440) of the land records of said town, are hereby ratified, confirmed, and established.

Special Laws Vol. 9, page 758
Approved March 28, 1883

PROVIDING FOR THE PURCHASE OF NIANTIC BRIDGE BY THE TOWNS OF EAST LYME AND WATERFORD

Upon the petition of citizens of the towns of East Lyme, Waterford, and New London, praying that the Niantic toll-bridge, situated between the towns of East Lyme and Waterford, be hereafter "sustained as a highway equitable between the towns of East Lyme and Waterford", or that the tolls on said bridge be reduced,

RESOLVED BY THIS ASSEMBLY: SECTION 1. The corporation known as The Proprietors of the Niantic Toll Bridge, owning and maintaining a toll bridge between East Lyme and Waterford, a corporation created by the general assembly, at its October session, 1795, and also at its October session, 1797, is hereby empowered to sell and dispose of said bridge and appurtenances, including all of the franchises belonging to said corporation, to the town of East Lyme, or to the town of Waterford, or to both of said towns.

SECTION 2. The town of East Lyme, or the town of Waterford, or both of said towns, are hereby authorized and empowered, by a vote of either or both of said towns, in lawful meeting duly called and held for that purpose, to purchase from said corporation or proprietors of said bridge, said bridge and its appurtenances, together with the franchises of said corporation, upon such terms as may be agreed upon with said corporation or proprietors.

SECTION 3. Upon the sale and purchase of said bridge and franchises as aforesaid, said bridge shall become and shall thereafter remain, free for all the public to pass and repass without charge, or payment of toll, and said town or towns purchasing the same as aforesaid, shall be subject to all the obligations and liabilities in reference to said bridge, and the draw connected therewith, to the same extent that said corporation and proprietors now are; and thereafter said corporation and the proprietors of said bridge shall be and remain discharged and absolved from the same.

SECTION 4. If the town or towns aforesaid voting to purchase said bridge and franchises shall be unable to agree with said corporation and proprietors as to the compensation to be paid therefor, said town or towns, as the case may be, may prefer a petition to the superior court for New London county, praying that such compensation may be ascertained and determined by said court, which petition shall be duly served upon said corporation and proprietors. Said court shall appoint three judicious and disinterested men, who after being sworn, and after giving reasonable notice to the parties interested to be heard, shall examine the said bridge, appurtenances, and franchises, assess the just value or compensation to be paid therefor, and make report of their doings in writing to said court.

SECTION 5. Upon the return of said report to said court, any person or persons interested therein may object to the acceptance of the same, for any irregularity or improper conduct, and the court may for such cause set aside such report, and order a rehearing before another committee. But if said court approves said report, it shall confirm the same, or may alter and amend the same at its discretion, and render judgment thereon. Whenever the amount of compensation so determined shall have been paid to said corporation or proprietors, or deposited by said town or towns, as the case may be, with the clerk of said court, for the use of said corporation or proprietors, said town or towns may take possession of said bridge and franchises, and throw said bridge open to free public travel, and thereafter said town or towns shall be subject to the obligations and liabilities in reference to said bridge and draw as provided in section three of this act, and said corporation and proprietors shall be and remain discharged and absolved from the same, as provided in said section.

Special Laws Vol. 9, page 849
Approved May 3, 1883

CONCERNING THE SMITH MEMORIAL HOME

RESOLVED BY THIS ASSEMBLY: The Smith Memorial Home is hereby authorized to pay to the Second Congregational Society of New London, and to the ecclesiastical society, in East Lyme, connected with the Congregational church there, known as the “Stone Church”, the amount of legacies bequeathed to said societies, respectively, in the will of Dr. Seth Smith, late of New London, deceased, dated December fifteenth, 1876, and duly proved in the court of probate, for the district of New London, according to the terms of said will. Said legacies when so paid, are to be held by said societies respectively upon the especial trusts, and subject to the conditions in said will provided in regard to the same.

Special Laws Vol. 9, page 923
Approved March 5, 1884

CHANGING SCHOOL DISTRICT BOUNDARIES IN EAST LYME

RESOLVED BY THIS ASSEMBLY: That all the real estate now owned by Albert Maynard, which is located in the joint school district number four of the towns of

Lyme and East Lyme, be and the same hereby is annexed to and made a part of school district number six of the town of East Lyme, to which latter district the said Albert Maynard and all other residents on said premises shall hereafter belong.

Special Laws Vol. 10, page 28
Approved March 6, 1885

CONCERNING THE NIANTIC BURYING GROUND IN EAST LYME

RESOLVED BY THIS ASSEMBLY: That Norman W. Rogers of East Lyme, is hereby authorized and empowered to sell the old Indian burying ground in the town of East Lyme, reserved from lands formerly belonging to the Niantic tribe of Indians, authorized to be sold at previous sessions of the general assembly, upon such terms as shall seem to him to be just, reasonable, and proper, and to execute a deed or deeds conveying title to the same, and to use the proceeds of such sale in removing the Indian remains in said burying ground to the Niantic cemetery in said town, and to expend the remainder of such proceeds, if any, in erecting in the Niantic Cemetery a suitable monument to said Niantic Indians.

(NOTE: The above resolution was presented to the governor on the twenty-third day of March, and not having been returned by him within the time prescribed by the constitution became a law on the twenty-sixth day of March, 1886.)

Special Laws Vol. 10, page 312

IN FAVOR OF THE TOWN OF EAST LYME

RESOLVED BY THIS ASSEMBLY: That the comptroller be and he is hereby authorized and directed to draw his order on the treasurer to pay to the town of East Lyme the sum of thirty-five dollars for the burial expenses of Marshall Dean, a soldier and a resident of said town, the time for the presentation of the claim of said town of East Lyme to the quartermaster-general having expired.

Special Laws Vol. 11, page 574
Approved May 25, 1893

AN ACT RELATING TO THE ENCAMPMENT OF THE CONNECTICUT NATIONAL GUARD

Be it enacted by the Senate and House of Representatives in General Assembly convened:

No by-law, which has been or shall be adopted by the town of East Lyme, in accordance with the provisions of the special act relating to the encampment of the Connecticut National Guard, approved April 14, 1881, shall in any manner affect or apply to any teams used by this state in the transportation of state property while being so used.

Special Laws Vol. 12, page 733
Approved March 17, 1897

AMENDING AN ACT DIVIDING THE TOWN OF EAST LYME INTO TWO VOTING DISTRICTS

Special Laws Vol. 13, page 141
Approved April 18, 1899

Repealed by Referendum November 6, 1973
TM Volume 11, page 312
Changed to 3 Districts See TM Volume 21, page 5

INCORPORATING THE EAST LYME FIRE DISTRICT

RESOLVED BY THIS ASSEMBLY: SECTION 1. That the portion of the town of East Lyme comprised within the following boundaries is hereby constituted a district for the sole purpose of lighting the streets within said district, viz.: Beginning at a point on the north side of Main Street, in the village of Niantic, opposite the Howard house dock; thence southerly to Niantic Bay; thence westerly by Niantic Bay to the "Hole in the Wall"; thence northerly through the said "Hole in the Wall" to the north line of the roadway of the New York, New Haven, and Hartford Railroad Company; thence westerly by the north line of said roadway to Champlin's bridge; thence northerly by Champlin's land to Main Street; thence westerly by Main Street to land of the estate of O. H. Whiting; thence southerly and again westerly around and to include said Whiting's land to the Black Point road; thence northerly by said Black Point road and Pattagansett road to the brook leading from Dodge Pond; thence by said brook and the north and east shores of said pond to the north line of land of C. H. Cone; thence easterly by said Cone's land to Pennsylvania avenue; thence southerly by Pennsylvania avenue to the north line of land of heirs of Watrous Smith; thence easterly by said Smith's north line to the camp ground of the Connecticut National Guard; thence southerly by said camp ground to the southwest corner thereof; thence easterly by said camp ground to Niantic river; thence by said river and Main street to point of beginning.

SECTION 2. The only illuminant for the purpose of lighting said streets shall be kerosene oil, unless by a vote of two-thirds of the registered voters of said district some other illuminant shall be selected.

SECTION 3. Upon the petition of ten or more legal voters, residing within the above specified limits, the selectmen of the town of East Lyme shall call a meeting of the legal voters of said district within fifteen days of the date of said petition. Said meeting shall be called by posting a written notice of the same, signed by said

selectmen, on the signpost in Niantic at least five days before the date of said meeting, and by advertising the same three times in a newspaper circulating in Niantic, the first time to be at least ten days before the date of said meeting. At such meeting a majority of those legal voters of said district present at said meeting may establish said district for the purpose above indicated; they may give a name to said district and choose necessary officers therefor to hold office until the first annual meeting thereof or until their successors are elected and qualified, and the district shall thereupon be a body corporate and politic and have all the powers in relation to the object for which it is established that are necessary for the accomplishment of said object, including the power to lay and collect taxes. The clerk of said district shall cause its name and a description of its territorial limits to be recorded in the land records of the town of East Lyme. Any additions to said district are hereby restricted and limited to property lying north of the present roadway of the New York, New Haven, and Hartford Railroad Company.

SECTION 4. The officers of said district and their powers and duties shall be the same in relation to the purposes for which said district is organized as the officers of school distracts are for school district affairs, and except as otherwise provided the laws relating to school districts, mutatis mutandis, shall apply to said district.

SECTION 5. The provisions of section 1998 of the general statutes shall not apply to the territorial limits of the district.

Special Laws Vol. 14, page 223
Approved May 15, 1903

PROVIDING FOR THE PAYMENT OF THE FUNERAL EXPENSES OF PETER DYER

RESOLVED BY THIS ASSEMBLY: That, whenever the selectmen of the town of East Lyme shall have presented to the acting quartermaster-general such evidence as they possess concerning the military service and the death and burial of the late Peter Dyer, a soldier who served in Company C, Fourteenth New Hampshire Volunteers, in the civil war, and in accordance with the form prescribed by the acting quartermaster-general in similar cases, so far as the same may be applicable, the acting quartermaster-general is hereby directed to certify to the comptroller that said evidence has been presented, and the comptroller shall thereupon draw his order on the treasurer in favor of the selectmen of said town of East Lyme for the sum of thirty-five dollars for the funeral expenses of said Peter Dyer.

Special Laws Vol. 14, page 562
Approved April 5, 1905

CONCERNING THE PURCHASE BY THE STATE OF THE ROPE FERRY BRIDGE

RESOLVED BY THIS ASSEMBLY: SECTION 1. That Austin I. Bush of East Lyme and William J. Brennan of New London be and they hereby are appointed as a commission, to serve without compensation, for the purpose hereinafter specified.

SECTION 2. Said commissioners shall investigate the question of the advisability of the purchase by the state of the Rope Ferry bridge in the towns of East Lyme and Waterford, together with the price to be paid therefor, and shall make a report thereof, with such recommendations as they may deem advisable, to the general assembly at its session in January of 1907.

Special Laws Vol. 14, page 1095
Approved July 18, 1905

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE DRAWBRIDGE ACROSS THE NIANTIC RIVER BETWEEN THE TOWNS OF EAST LYME AND WATERFORD FOR THE TWO YEARS ENDING SEPTEMBER 30, 1913

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The following sum is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated, in full compensation for the object hereinafter specified for the two fiscal years ending September 30, 1913: For the maintenance and operation of the drawbridge across the Niantic river between the towns of East Lyme and Waterford, two thousand dollars.

Special Laws Vol. 16, page 377
Approved July 25, 1911

AN ACT DIRECTING THE HIGHWAY COMMISSIONER TO CONSTRUCT A BRIDGE OVER THE NIANTIC RIVER BETWEEN THE TOWNS OF EAST LYME AND WATERFORD

Be it enacted by the Senate and House of Representatives in General Assembly convened

Section 1. The highway commissioner is directed to remove the bridge over the Niantic river between the towns of East Lyme and Waterford and construct in lieu thereof a new bridge, with a draw and the necessary piers and approaches for the same, in accordance with plans to be approved by the authorities of the federal government and on a site to be selected and purchased by said commissioner, as public convenience and necessity may require, provided, if the county of New London or either of said towns has purchased a site for said bridge and approaches, the highway commissioner may accept such land on such conditions as the owner or owners thereof and the highway commissioner may agree upon. If said commissioner shall be unable to agree with the owner or owners of any land necessary to be taken and used as a site for said bridge, piers and approaches or the highway leading thereto, the commissioner may take the same for the use of the state in the manner

prescribed for the taking of land under the provisions of chapter 189 of the public acts of 1915.

Section 2. All expenses authorized by the provisions of this act shall be paid by the state, but the county of New London shall reimburse the state for one-half of the amount expended in carrying out the purposes of this act. The amount due to the state from the county of New London shall bear interest at the rate of five percentum per annum after thirty days from the date of notice of the completion of said bridge. Said notice shall be given to the treasurer of said county by the highway commissioner by registered mail and the amount due to the state from said county, with interest thereon, may be collected in a civil action brought in the name of the state by the attorney general to the superior court for Hartford County.

Section 3. After the completion of said bridge the same shall be maintained wholly at the expense of the state.

Section 4. The sum of eighty thousand dollars, or so much thereof as may be necessary, is appropriated for carrying out the provisions of this act, and said money shall be paid by the comptroller upon vouchers approved by the highway commissioner.

STATE OF CONNECTICUT
Senate, May 17, 1917

Reconsidered and passed by Yeas and Nays: Yeas 23, Nays 8, the objections of the Governor notwithstanding. John Buckley, Clerk.

STATE OF CONNECTICUT
House of Representatives, May 17, 1917

Reconsidered and passed by Yeas and Nays: Yeas 220, Nays 16, the objections of the Governor notwithstanding. Edward J. Kenealy, Clerk.

Special Laws Vol. 17, page 1155

AN ACT CONCERNING THE ORGANIZATION OF DISTRICTS FOR FIRE, SEWER AND OTHER PURPOSES

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The provisions of Chapter 142 of the Public Acts of 1909 shall not apply to the territory lying south of the tracks of the New York, New Haven and Hartford Railway Company in the Town of East Lyme.

Section 2. This act shall take effect from its passage.

Special Laws Vol. 16, page 597
Approved September 5, 1911

AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF EAST LYME TO SELL THE SCHOOLHOUSE IN FLANDERS

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The selectmen of the town of East Lyme are authorized to sell the old schoolhouse property at Flanders in said town.

Special Laws Vol. 18, page 375
Approved March 29, 1921

AN ACT GRANTING TO THE TOWN OF EAST LYME THE USE OF CERTAIN PROPERTY FOR HIGHWAY PURPOSES

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY CONVENED:

The right to use for highway purposes the following described property located in East Lyme is granted to said town: Commencing on the westerly side of Pennsylvania Avenue at the southeasterly corner of land of R. C. Beckwith, formerly land of John Toomey, thence running westerly along the southerly side of said land of R. C. Beckwith and along the southerly side of land of John F. Luce, formerly land of Susan J. Luce, seven hundred twenty-three feet to land of the New York, New Haven, and Hartford Railroad Company, thence running southerly along the easterly line of land of said railroad company forty-six feet to land of The Niantic Lumber Company, formerly land of Susan J. Luce, thence running easterly in a straight line parallel to the first-described line four hundred fifty-nine feet to land of the state, thence running northerly parallel to the westerly side of Pennsylvania Avenue ten feet, thence running easterly parallel to the first-described line two hundred sixty-four feet to the westerly side of Pennsylvania Avenue, thence running northerly along the westerly side of Pennsylvania Avenue thirty-six feet to point of beginning, being land described in deed from Susan J. Luce to the state dated August 11, 1890, and recorded in East Lyme land records, volume 10, page 124, and a part of the land described in deed from Walter M. Fuller and Caroline L. Fuller to the state dated August 7, 1890, and recorded in East Lyme land records, volume 10, page 123, provided said town shall maintain and keep in repair the land described and the highway located thereon and shall maintain any fence which the state, through the adjutant general, may require.

Special Laws Vol. 17, page 1078
Approved May 16, 1917

AN ACT INCLUDING A HIGHWAY IN THE TOWN OF EAST LYME IN THE TRUNK LINE SYSTEM

That portion of the highway in the town of East Lyme known as “Bride Brook Road”, beginning with its intersection with United States highway number 1 on “Plant Hill” and

extending southerly to its intersection with state highway number 156, known as the "Shore Road", at or near the entrance to "Rocky Neck Park", together with all bridges on said highway, is included in the trunk line system of highways.

Special Laws Vol. 23, page 124
Approved May 2, 1939

AN ACT CONCERNING EXCHANGE OF LAND BETWEEN THE STATE AND RESIDENTS IN THE TOWN OF LYME, OLD LYME AND EAST LYME AT STONE'S RANCH

The adjutant general may, with the advise and consent of the governor, acquire for the state any land or interest therein contiguous to the land of the military reservations in the towns of Lyme, Old Lyme and East Lyme, which, in the opinion of said adjutant general, may be desirable and necessary for the use of said reservation, in exchange for land of the state forming part of said reservations or interests therein which are not desirable and necessary for the use of said reservation. The treasurer shall execute and deliver any deed or instrument to convey the title of any property of the state or interests therein, the exchange of which is authorized by this act.

Special Laws Vol. 22, page 797
Approved June 8, 1937

AN ACT INCLUDING A HIGHWAY IN THE TOWN OF EAST LYME IN THE TRUNK LINE SYSTEM

The highway extending from Flanders corner on route one in the town of East Lyme to a point on the highway leading from Flanders to Niantic where the state-aid road begins, is included in the trunk line system of highways.

Special Laws Vol. 22, page 75
Approved April 4, 1935

AN ACT PROVIDING FOR BIENNIAL ELECTIONS IN THE TOWN OF EAST LYME

SECTION 1. At the annual town election of the Town of East Lyme to be held on the first Monday of October, 1939, and biennially thereafter, there shall be elected three selectmen, two registrars of voters for each district, seven constables, six grand jurors, an agent of the town deposit fund and a collector of taxes, each of whom shall hold office for two years from the date of his election and until his successor shall be elected and shall have qualified. There shall also be elected at said election, and biennially thereafter, a town clerk and a town treasurer, each of whom shall hold office for two years from the first Monday in January next succeeding his election and until his successor shall be elected and shall have qualified. The term of office of the town

treasurer elected on the first Monday of October, 1937, is extended until the first Monday in January, 1940.

SECTION 2. The terms of office of all assessors and members of the board of relief, in office on the first Monday of October, 1939, shall expire on said date and, at the election to be held on the first Monday of October, 1939, there shall be elected two assessors and two members of the board of relief, each of whom shall hold office for four years from the date of his election and until his successor shall be elected and shall have qualified, and there shall also be elected at said election one assessor and one member of the board of relief, each of whom shall hold office for two years from the date of his election and until his successor shall be elected and shall have qualified. At the biennial election to be held on the first Monday of October, 1941, and biennially thereafter, there shall be elected an assessor or assessors and a member of the board of relief or members of the board of relief to succeed those whose terms expire at such time, each of whom shall hold office for four years and until his successor shall be elected and shall have qualified.

SECTION 3. The terms of office of all members of the board of education, in office on the first Monday of October, 1939, shall expire on said date, and on said first Monday of October, 1939, there shall be elected nine members of the board of education, three to hold office for two years from the date of their election, three to hold office for four years from the date of their election and three to hold office for six years from the date of their election and until their successors shall be elected and shall have qualified. On the first Monday of October, 1941, and biennially thereafter there shall be elected three members of said board to succeed the members whose terms then expire, each to hold office for six years and until his successor shall be elected and shall have qualified.

SECTION 4. If the number of selectmen, members of the board of education, constables or grand jurors to be elected shall be even, no person shall vote for more than one-half of the number, and if the number to be elected be odd, no person shall vote for more than a bare majority of such number.

SECTION 5. This act shall take effect upon its approval by the electors of the town of East Lyme at a special town meeting to be held on or before the first Monday of August, 1939.

Special Laws Vol. 22, page 66
Approved June 3, 1939
Approved by Town Meeting August 1, 1939
Many portions of this act no longer in effect.

AN ACT AUTHORIZING THE TOWN OF EAST LYME TO CONSTRUCT A WATER SYSTEM

SECTION 1. The town of East Lyme is empowered to purchase, lease, take and hold, for and in behalf of said town, lands or other estate within the town limits of East Lyme necessary for the construction of any canals, aqueducts, reservoirs or other works, for conveying or containing water, or for the erection or construction of any buildings or machinery, or for laying any pipes or conductors for conveying water into or through said town, or to secure and maintain any portion of the waterworks; and, in

general, to do any other act necessary or convenient for accomplishing the purposes of supplying said town with water, including the power to purchase, lease, take and hold, for and in behalf of said town, lands or other estate in adjacent towns where necessary for sanitary protection of the waterworks; and to distribute such water throughout said town; to establish public hydrants; to prosecute or defend any action at law or in equity for the breach of any contract, express or implied, relating to the performance of any work or labor upon such waterworks, for the management of the same, or the distribution of the water, or for money due for the use of the water, or for any injury or trespass or nuisance affecting the water, machinery, pipes, buildings, apparatus or other things under its superintendence, or for any improper use of the water, or any wasting thereof or upon any contract or promise made with said town. Said town is also empowered to sell such land as shall be no longer needed for its water system.

SECTION 2. Said town is authorized to enter into and upon any land or water for the purpose of making surveys, and to agree with the owner or owners of any property or franchise which may be required for the purposes of section one, as to the amount of compensation to be paid to the owner or owners for the same. In case of disagreement between said town and any owner or owners as to such compensation, or as to the amount of damages which ought to be awarded to any person claiming to be injured in his estate by the doings of said town, or in case any such owner shall be an infant or insane or absent from this state, or unknown, or the owner of a contingent or uncertain interest, any judge of the superior court may, on the application of any party, cause such notice to be given of such application as such judge may deem reasonable and, after proof thereof, may appoint three disinterested persons to examine such property as is to be taken for or damaged by the doings of said town, who, having been duly sworn to the faithful and impartial performance of their duty, shall estimate the amount of compensation which such owner shall receive and shall report the same, in writing, to the clerk of the superior court for New London county, to be by him recorded. Upon the acceptance of such report by the superior court, or a judge thereof, and upon the payment of such award, the town of East Lyme may proceed with the construction of its works without any liability to any further claim for compensation for damages.

SECTION 3. Said town is authorized to make use of the ground or soil under any road, railroad, highway, street, private way, lane or alley, and shall thereafter restore the land to its usual condition, and shall repair all damage done thereto, and shall pay such damage as may be sustained by any owner of land abutting thereon, by reason of interruption of travel.

SECTION 4. The town of East Lyme may establish a board of water commissioners and may, by ordinance, prescribe the duties of said board and , in addition, may, by ordinance, prescribe for the mode in which water rents, the cost of laying water pipes in streets or highways of said town, or taxes, shall be secured by lien on lots, houses or tenements or otherwise, or shall be collected.

SECTION 5. Said town is empowered to make such by-laws or regulations or ordinances for the preservation, protection and management of the waterworks of said town as may be deemed advisable, and to enforce the same by suitable penalties. Any justice of the peace of said town having criminal jurisdiction shall also have jurisdiction of any breach of said by-laws or regulations and may punish the offender by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days or both.

SECTION 6. Said town may, by ordinance, provide that, upon the non-payment of water rent after the time prescribed and limited for payment said town may charge and receive additional percentage for collecting the same, and may, at its

option, refuse to furnish additional water until all unpaid bills and charges shall have been satisfied.

SECTION 7. If any person shall, maliciously and willfully, corrupt the water collected or conducted in or into any reservoir, cistern, hydrant, conductor, engine, pipe or any other portion of the waterworks of the town of East Lyme, or destroy or injure any work, machinery, materials or property, erected, constructed or used or designed to be used, within the town of East Lyme or elsewhere for the purpose of procuring and keeping a supply of water, he shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months or both.

SECTION 8. This act shall take effect upon its approval by the electors of said town, at a town meeting warned and held for the purpose of voting thereon.

Special Laws Vol. 23, page 1000
Approved June 16, 1941

AN ACT PROVIDING FOR THE APPOINTMENT OF AN ASSESSOR AND FOR THE FILING OF ASSESSMENT LISTS IN THE TOWN OF EAST LYME

SECTION 1. The board of assessors of the town of East Lyme is abolished.

SECTION 2. There shall be a single assessor in said town who shall be appointed as hereinafter prescribed and who shall have all the powers, duties and rights heretofore conferred or imposed upon said board of assessors, except as hereinafter provided.

SECTION 3. Appeals may be taken from assessments made by said assessor in the same manner as from assessments formerly made by the board of assessors.

SECTION 4. Said assessor shall be appointed by a majority vote of the board of selectmen of said town within thirty days after the effective date of this act and shall hold office until the first Monday of October, 1954. Within a period of thirty days preceding the first Monday of October, 1954, and triennially thereafter, said board of selectmen, by a majority vote, shall appoint a successor to said assessor. Any vacancy in the office of assessor shall be filled by a majority vote of the board of selectmen of said town within thirty days after the occurrence of such vacancy, and the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor. In the event of the temporary incapacity or inability of said assessor to act, the board of selectmen, by a majority vote, may designate any person to act in his stead, during the period of such incapacity or inability, but not for a period of more than three months. Such person, during the period of his appointment, shall have all the powers, duties and rights of said assessor. The board of selectmen shall require each applicant for appointment as assessor to submit a detailed statement showing the education, experience and qualifications of said applicant and said board of selectmen shall, if it shall deem advisable, require applicants to submit to a competitive examination to determine the fitness of said applicants for the position of assessor. At the time of his appointment, the assessor need not be a resident of the town of East Lyme. The board of selectmen may assign additional duties to the assessor, if it believes that such additional duties will promote and protect the interests of the office of assessor.

SECTION 5. The assessor may be removed by a majority vote of the board of selectmen of said town, after hearing upon written charges of dishonesty or incompetence preferred by a member of the board of selectmen or of the board of finance.

SECTION 6. Said assessor may appoint and remove, at pleasure, such number of assistants, clerical, engineering, appraisal, or otherwise, as may be authorized by the board of selectmen and for whom appropriations have been made. The assessor shall make such rules and regulations for the conduct of his office, as may be approved by the board of selectmen. All records and maps of said assessor shall be opened to public inspection at reasonable times.

SECTION 7. The salary of said assessor and such assistants as he may be authorized to engage shall be fixed by a majority vote of the board of selectmen and shall be submitted to the board of finance of said town in the same manner as are all other requests for appropriations, and shall be included in the town budget and acted upon at a town meeting in the same manner as all other appropriations recommended by the board of finance.

SECTION 8. No person required to file lists of property subject to taxation with the assessor of the town of East Lyme shall include real estate or motor vehicles in such lists.

SECTION 9. Repealed November 6, 1973 by Referendum

SECTION 10. This act shall take effect upon its approval by a majority vote of the electors of the town of East Lyme, voting at a regular or special town meeting, warned and called for said purpose, and held within a period of thirty days from the passage of this act. The certificate of such approval, signed by the town clerk, shall be filed in the office of the secretary of the state.

TM Vol 11, page 312

Special Acts 1951, Page 70
Approved May 16, 1951

AN ACT CHANGING THE PROPERTY TAX ASSESSMENT DATE IN THE TOWN OF EAST LYME

SECTION 1. The date as of which property shall be listed for tax purposes in the town of East Lyme shall be September first, and the assessor of said town shall give notice on or before August fifteenth requiring persons liable to taxation to bring in such lists.

SECTION 2. Section 8 of number 74 of the special acts of 1951 is amended to read as follows: No person required to file lists of property subject to taxation with the assessor of the town of East Lyme shall include real estate or motor vehicles in said lists, except that any record owner of real estate situated in said town to which any new construction, improvements or interior or exterior alterations exceeding one

hundred dollars in volume shall have been added, or from which any building shall have been wholly or partially razed or removed during the twelve months next preceding the first day of September, shall be required to prepare, swear to, sign and file a list of such real estate with said assessor.

Special Acts 1955, page 404
Approved July 8, 1955
See Connecticut General Statutes 12-62a (1995)

AN ACT VALIDATING NOTICE OF SALE BY THE TAX COLLECTOR OF THE TOWN OF EAST LYME

The notice of sale of the tax collector of the town of East Lyme, recorded in the land records of said town on May 29, 1941, in volume 41 at page 419, and otherwise valid except that the names of the mortgagees, J. Torrey Hawkins and Fred Delaney, and an old age assistance lien to the commissioner of welfare, recorded in volume 41 at page 40, dated November 22, 1939, were not specifically named therein, is validated.

Special Acts 1955, page 654
Approved August 11, 1955

AN ACT CONCERNING THE FILING OF ASSESSMENT ABSTRACTS IN THE TOWN OF EAST LYME

The assessor of the town of East Lyme shall lodge the abstract of the assessment lists for public inspection in the town clerk's office on or before the second Monday in April next after the date prescribed for the filing of such lists. Such assessor shall include in such abstract the changes made by the board of tax review. The time within which such town clerk shall transmit an abstract of the assessment lists to the state tax commissioner is extended to the fifteenth day of April in each year.

Special Acts 1957, page 23
Approved April 3 1957

AN ACT INCLUDING THE TOWNS OF LYME, OLD LYME, EAST LYME, HADDAM AND EAST HADDAM IN THE FRANCHISE AREA OF THE SOUTHERN CONNECTICUT GAS COMPANY

SECTION 1. The Southern Connecticut Gas Company is authorized to supply gas, and to do all things necessary and incidental thereto, to and in the towns of Lyme, Old Lyme, East Lyme, Haddam and East Haddam and to the inhabitants thereof for all public and domestic purposes of light, heat and power, in the same manner in which and with the same powers as The Southern Connecticut Gas Company is authorized on the effective date of this act to supply gas under its charter, provided the public streets, ways and grounds of any such town shall not be injured thereby but shall be left in as good condition as before, and that The Southern Connecticut Gas Company shall make all its locations and constructions in such streets, ways and grounds, and shall repair all damage and injury to the same caused thereby or by the

use thereof to the satisfaction of the authority in such town charged with the maintenance of such streets, ways and grounds.

SECTION 2. This amendment to the charter of The Southern Connecticut Gas Company shall not require acceptance by the corporation.

Special Acts Vol. 34, page 176
Approved May 22, 1969

AN ACT AUTHORIZING THE TOWN OF EAST LYME TO ACQUIRE A SECTION OF COLTON ROAD IN THE TOWN OF OLD LYME

The board of selectmen of the town of East Lyme is authorized to enter into an agreement with the board of selectmen of the town of Old Lyme to relocate the boundary line between such towns to include within the town of East Lyme the following section of Colton Road presently in the town of Old Lyme: Beginning at a point in the easterly side of the Four Mile River road one hundred twenty-nine and ninety-eight hundredths feet, more or less, south of the highway monument on the southerly line of land now or formerly of the state of Connecticut, thence running southeasterly fifty-three and sixty-one hundredths feet, more or less, on a curve having a radius of thirty feet to a concrete bound, thence running easterly one hundred nineteen and fifty-four hundredths feet, more or less, to a point in the center of Four Mile River, thence running southerly sixty feet, more or less, to a point in the center of Four Mile River, thence running westerly one hundred forty-five and ninety-one hundredths feet to a concrete bound, thence running southwesterly forty and sixty-four hundredths feet, more or less, on a curve having a radius of thirty feet, to a point in the easterly side of Four Mile River road, thence running northeasterly one hundred twenty-two and eighty-six hundredths feet, more or less, to a point of beginning.

Special Acts, Vol. 34, page 257

Approved June 19, 1969

AN ACT CONCERNING AN APPROPRIATION TO THE WATERFORD-EAST LYME SHELLFISH COMMISSION

The sum of seventy-five hundred dollars is appropriated to the Waterford-East Lyme Shellfish Commission to undertake or cause to be undertaken studies to determine the reasons for the disappearance of the Niantic Bay scallop and to initiate a program of restoration based on the results of such studies, provided at least fifty per cent of the cost of such studies or such restoration program is made available from funds of the commission or from other sources.

Special Acts Vol. 34, page 329
Approved July 2, 1969

SPECIAL ACT 293 (Section 29) of the 1969 Session of the General Assembly:

RE: SHORE EROSION CONTROL PROJECT AT GIANT'S NECK

Section 29. The water resources commission is also directed to complete the shore erosion control project at Giant's Neck in East Lyme, expending therefor not more than ten thousand dollars of the unexpended balance of the funds authorized under section 2(b) (11) of number 362 of the special acts of 1963, without reimbursement from the town of East Lyme as would otherwise be required under sections 25-71 and 25-72 of the general statutes.

Special Acts, Vol. 34, page 384
Approved July 8, 1969

PUBLIC ACT NO. 33 of the 1971 Session of the General Assembly:

AN ACT CONCERNING THE WATERFORD-EAST LYME SHELLFISH COMMISSION

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 26-287 of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: The Waterford-East Lyme Shellfish Commission shall consist of one member from each of the boards of selectmen of the towns of Waterford and East Lyme, designated by such board to serve for his term as selectman and three electors of each of said towns appointed by their respective boards of selectmen. The terms of office of members of said commission in office on the effective date of this act shall terminate May 31, 1971. On or before June 1, 1971, each Board of Selectmen shall appoint the selectman member and three electors as members of said commission, one for a term of one year from said date; one for a term of two years from said date; and one for a term of three years from said date. Annually thereafter, such board shall appoint an elector as a member of said commission who shall serve for a term of three years from June first in the year of his appointment. Nothing herein shall be construed to prohibit the reappointment to said commission of any selectman who is reelected. Neither of said towns shall be represented on said commission by more than two members of the same political party. Any vacancies that may from time to time occur shall be filled for the balance of the unexpired term by the board of selectmen of the town which, because of such vacancy, has one less member on said commission. Said commission may prohibit the taking of escallops, clams and oysters from such portions of the Niantic river as it designates, for a period not exceeding one year at a time, may designate, from time to time, the manner in which said shellfish may be taken and license such taking and, in connection therewith, adopt reasonable regulations and fix license and permit fees. When said commission designates any place or places in said river from which the taking of scallops, oysters and clams is to be prohibited or designates a new manner in which escallops, clams and oysters may or may not be taken, or adopts, rescinds or amends any regulation or license or permit fee adopted hereunder, it shall cause to be published at least twice, in a newspaper having a circulation in each of said towns, a notice describing the place or places upon which such prohibition is to be operative or the manner in which escallops, oysters or clams may or may not be taken, or the regulation, license or permit fee adopted, rescinded or amended, and shall post copies of such notices upon the shores of the river. No person shall take any escallops, oysters or clams from any grounds from which the

taking of the same has been prohibited during the time of such prohibition nor in any manner in violation of any such designation or regulation.

Special Acts January Session, 1971
Vol. 1, page 53 (Vol. 35)
Approved April 9, 1971

AN ACT CONCERNING CONVEYANCE OF LAND OF THE STATE TO THE TOWN OF EAST LYME AND GRANT OF TWO EASEMENTS TO SAID TOWN

Section 1. (a) The state treasurer shall convey to the town of East Lyme that certain tract of land situated in the town of East Lyme, county of New London and state of Connecticut, on the property of the state of Connecticut, known as the Connecticut Correctional Institution, Niantic, which tract is bounded and described as follows: Beginning at a point on the easterly line of Bride Brook road at the northwesterly corner of the tract herein described, which point is 329.21 feet, as measured along Bride Brook road, from a drill hole in the southwesterly corner of a stone pillar located at the southwesterly corner of a driveway; thence running south 69 degrees 41 minutes 20 seconds east 143 feet; thence running northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly along the arc of a circle having a radius of 200 feet and passing through Bride Lake, a distance of 1231 feet, more or less; thence running north 69 degrees, 41 minutes, 20 seconds west 146 feet, more or less, to the easterly line of Bride Brook road; thence running northerly 25 feet, more or less, along the easterly line of Bride Brook road to the place of beginning. (b) In consideration of such conveyance the town of East Lyme shall assume the cost of laying or constructing such pipes or conduits as may be necessary or convenient for conducting and supplying water from the well to be drilled and maintained on said land, including service installations to the property line of the said Connecticut Correctional Institution.

Section 2. The state treasurer shall convey to the town of East Lyme two easements, each of which is 12.50 feet wide, one of which lies north of and adjacent to the first course of the tract described in section 1 of this act, and one of which lies south of and adjacent to the third course of the tract described in said section 1. Said easements shall be for access to the tract described in said section 1 during construction, repair and maintenance of any buildings and equipment located thereon.

Special Act Vol. 35, page 26
January Session 1971, 1972 Vol. 36 (none)
Approved May 5, 1971

SPECIAL ACT NO. 73-138

AN ACT GRANTING EASEMENTS TO THE TOWN OF EAST LYME [RE WELL SITES AND EASEMENTS]

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The state treasurer shall convey to the town of East Lyme a well site and easements on land now belonging to the Connecticut Correctional Institution, Niantic as per the following description:

PARCEL ONE: That certain tract of land situated in the town of East Lyme, county of New London and state of Connecticut, on the property of the state of Connecticut known as Connecticut Correctional Institution, Niantic, which tract is bounded and described as follows: Commencing at the end of the center line of the tract hereinafter described over which an easement is granted to the town of East Lyme; thence running north 69 degrees 11 minutes 50 seconds west 12.5 feet, thence running north 20 degrees, 48 minutes, 10 seconds east 25.0 feet to an angle; thence running north 65 degrees, 48 minutes, 10 seconds east 35.36 feet to an angle; thence running south 69 degrees, 11 minutes, 50 seconds east 25.00 feet to an angle; thence south 20 degrees, 48 minutes, 10 seconds west 50.00 feet to an angle; thence running north 69 degrees, 11 minutes, 50 seconds west 37.5 feet to the place of beginning. The second, third, fourth, fifth and a portion of the sixth course are along land of Connecticut Correctional Institution, Niantic; the balance of the sixth course and the first course are along land over which an easement is granted to the town of East Lyme.

PARCEL TWO: The right to pass and repass by all means, together with the right to install water, telephone and electric lines, for purposes of the construction, repair and maintenance of a well, pump house and related equipment for the East Lyme municipal water system, over a tract of land situated in the town of East Lyme, county of New London and state of Connecticut, on the property of the state of Connecticut known as Connecticut Correctional Institution, Niantic, said tract of land being 25 feet in width and the center line thereof being bounded and described as follows: commencing at a point in the easterly line of Bride Book road 59.91 feet northerly from a concrete monument with an iron rod in the easterly line of Bride Book road; thence running north 43 degrees, 52 minutes, 10 seconds east 138.00 feet to an angle; thence running north 51 degrees, 51 minutes, 10 seconds east, 312.00 feet to an angle, thence running north 34 degrees, 56 minutes, 10 seconds east 88.00 feet to an angle; thence running north 20 degrees, 48 minutes, 10 seconds east 235.00 feet to the tract of land hereinbefore described.

PARCEL THREE: The exclusive right to occupy and control the land area located within a circle with a center at the well site located within Parcel 1, and with a radius of 200 feet.

Special Acts Vol. 37, page 231
Approved June 21, 1973 (vol 3 of set)

AN ACT CONCERNING THE CONVEYANCE OF LAND TO THE TOWN OF EAST LYME

SPECIAL ACT NO. 77-68

The state treasurer shall convey to the town of East Lyme, county of New London, state of Connecticut, for a price to be determined by the state treasurer and the commissioner of finance and control, for highway and drainage purposes a certain tract of land, 0.09 acres, more or less, situated in said town of East Lyme, owned by the state of Connecticut military department and described as follows:

Commencing at the northwest corner of Camp Grasso owned by the state of Connecticut military department, at the easterly end of Clark Street, thence running south 84 degrees fifty-five feet, forty-six inches east eighty feet, passing through a spike previously set, bounded northerly by Clark Street and land now or formerly of Parker, to a point; thence running south fourteen degrees fourteen feet forty inches west fifty feet bounded easterly by other land of the state of Connecticut military department to a point; thence running north eighty-four degrees, fifty-five feet, forty-six inches west eighty feet, more or less, bounded southerly by other lands of the state of Connecticut military department, to land now or formerly of Anna A. Bauguss; thence running northerly fifty feet bounded westerly by said Bauguss land and by Clark Street, in part by each, to the place of beginning.

Special Act Vol. 2, page 77, part 2, January Session 1977
Approved June 20, 1977

SPECIAL ACT NO. 78-3
AN ACT CONCERNING THE CORRECTION OF ERRORS IN A PROPERTY CONVEYANCE TO THE TOWN OF EAST LYME

Special Act number 77-68 is amended to read as follows:

The state treasurer shall convey to the town of East Lyme, county of New London, State of Connecticut, for a price to be determined by the state treasurer and the commissioner of finance and control, for highway and drainage purposes a certain tract of land 0.09 acres, more or less, situated in said town of East Lyme, owned by the state of Connecticut military department and described as follows:

Commencing at the northwest corner of Camp Grasso owned by by the state of Connecticut military department, at the easterly end of Clark Street, thence running south 84 degrees fifty-five minutes forty-six seconds east eighty feet, passing through a spike previously set, bounded northerly by Clark Street and land now or formerly of Parker, to a point; thence running south fourteen degrees fourteen minutes, forty-one seconds west fifty feet bounded easterly by other land of the state of Connecticut military department to a point; thence running north eighty-four degrees fifty-five minutes forty-six seconds west eighty feet, more or less, bounded southerly by other lands of the State of Connecticut military department, to land now or formerly of Anna A. Bauguss; thence running northerly fifty feet bounded westerly by said Bauguss land and by Clark Street, in part by each, to the place of beginning.

Approved March 29, 1978

House Bill No. 5918
SPECIAL ACT NO. 84-31

AN ACT CONCERNING THE TRANSFER OF PINE GROVE ROAD TO THE TOWN OF EAST LYME

The state treasurer, with the approval of the commissioner of administrative services, shall transfer to the town of East Lyme the highway known as Pine Grove Road in said

town, as shown on a map entitled "STATE OF CONNECTICUT, MILITARY DEPARTMENT, CAMP O'NEILL CANTONMENT AREA, CONNECTICUT ARMY NATIONAL GUARD (TRAINING SITE EAST LYME, CONNECTICUT) STATE MILITARY RESERVATION NIANTIC, CONNECTICUT SCALE = 1" = 100', dated 5 DECEMBER 1983." The highway shall remain under the care and control of the military department until title is transferred to the town in accordance with the provisions of this act. The state treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this act and the commissioner of administrative services shall have the sole responsibility for all other incidents of such conveyance.

Approved May 29, 1984

Substitute House Bill No. 7535

PUBLIC ACT NO. 85-358

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL CONSTRUCTION PROJECTS

Section 1. The state board of education having reviewed applications for state grants for public school building projects in accordance with section 10-283 of the general statutes on the basis of priorities for such projects and standards for school construction established by said board, and having prepared a listing of all such eligible projects ranked in order of priority as determined by said board together with the amount of estimated grant with respect to each such eligible project, and having submitted such listing of eligible projects, prior to December 15, 1984, to the committee of the general assembly established under section 10-283a of the general statutes for the purpose of reviewing such listing, is hereby authorized to enter into grant commitments on behalf of the state in accordance with said section 10-283 with respect to the priority listing of such projects and in such estimated amounts as approved by said committee prior to February 1, 1985, as follows:

		Estimated	Grant Commitments
EAST LYME 26EA	East Lyme High School	291,650	597,883

Section 18. Notwithstanding the provisions of section 10-291 of the general statutes or any regulations adopted by the state board of education requiring that a bid not be let out until a grant commitment has been approved for a school building project or until plans and specification have been approved by the department of education's school facilities unit and that a project not be undertaken prior to the approval of the general assembly, the Town of East Lyme may let out for bid on and commence a project for energy conservation at the East Lyme High School and shall be eligible to subsequently be considered for a grant commitment from the state.

PA 87-512 - SB 395

AN ACT CONCERNING ESTABLISHMENT OF A NIANTIC RIVER GATEWAY COMMISSION

SUMMARY: This act enables the towns of East Lyme and Waterford to establish a Niantic River Gateway Commission by ordinance. The commission is authorized to acquire land and establish land use regulations in a narrow band of land running along both sides of the Niantic River from just south of I-95 to Smith Cove. The commission would not directly regulate land use, but local planning and zoning requirements would have to conform to commission standards.

Effective date: October 1, 1987

PA 87-520 - sSB 865

AN ACT CONCERNING THE DEPOSITING OF SHELLFISH AND SHELLFISHERIES IN BRANFORD AND INCREASING THE PENALTY FOR A VIOLATION CONCERNING THE WATERFORD-EAST LYME SHELLFISH COMMISSION AND THE TAKING OF SHELLFISH FROM THE NIANTIC RIVER

SUMMARY: This act requires the agriculture commissioner to adopt regulations with standards and procedures for depositing, in tidal waters, shellfish imported from out of state. The regulations must be written to prevent introduction of harmful shellfish parasites, pests, and diseases. Once the regulations are effective, the act forbids shellfish deposition except in accordance with them. A person depositing shellfish must give the commissioner notice in accordance with the regulations. The act gives the commissioner reasonable access to vessels, commercial fishing gear, docks, and wharfs to determine compliance with the regulations. Violation of the act's requirements is punishable by a fine of up to $200.

Prior law reverted to Branford shellfish grounds, on which no taxes had been paid for five years, to the board of selectmen for reallocation and gave the selectmen general authority over shellfisheries. This act allows either the selectmen or a shellfish commission to perform such duties, and reduces the reversion time for shellfish grounds with theunpaid taxes to three years. The act also requires the selectmen or shellfish commission to determine if the grounds are suitable for public use before making a grant. Any grounds suitable for public use cannot be regranted to private parties.

Finally, the act increases from $25 to $200 the maximum fine for violating the laws or regulations of the Waterford-East Lyme Shellfish Commission regarding shellfishing in the Niantic River.

Effective Date: October 1, 1987

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND TO CERTAIN PUBLIC AND SPECIAL ACTS

PA 88-364

This act changes the boundaries of the property within the Niantic River Gateway Commissions' jurisdiction.

AN ACT INCORPORATING THE CONNECTICUT SPIRITUALIST CAMP-MEETING ASSOCIATION.

[House Joint Resolution No. 25.]

RESOLVED BY THIS ASSEMBLY: SECTION 1. That James E. Hayden, Whiting Hayden, E. M. Lyman, C. M. Platt, S. W. Fisk, E. R. Whiting, G. F. Griswold, Jonathan Hatch, Mrs. Charlotte A. Andrews, Byron Boardman, L. W. Cady, Edwin Dayton, T. M. Gowdy, D. A. Lyman, Miss Hattie E. Allen, Charles Belnap, Mrs. Phebe Bidwell, Amos W. Bill, Geo. W. Burnham, L. H. Burnham, Jesse A. Clark, Maxon G. Clark, H. N. Fogg, George Hatch, Mrs. E. A. Lawrence, M. G. Puffer, George A. Richards, Miss Delia A. Sanford, Frank Sisson, N. Smith, R. F. Stanton, F. A. Tinker, Mrs. Louisa A. Towne, Mrs. Mary L. Turner, William M. Vars, James Wilson, F. Wright, Mrs. E. Adams, N. L. Anderson, G. B. Avery, William H. Baker, Mrs. C. M. Barnes, Henry Baxter, Miss S. S. Billings, E. C. Bingham, H. A. Budington, W. N. Bulkley, Austin Burnham, A. F. Butler, Lewis Chaffee, John Churchill, Mrs. Mary F. B. Clark, Mrs. J. J. Clark, C. I. Cook, Mrs. Sarah B. Cook, D. W. Crippen, M. W. Comstock, G. W. Darling, E. L. Davis, E. W. Dean, Mrs. Jane C. Dorman, Justice Fisher, Mrs. Cynthia Fowler, D. P. Francis, A. L. Fuller and wife, Mrs. W. A. Gaillard, Daniel Harris, Miss Mary E. Harrison, Miss Annie S. Hill, Mrs. Francis M. Hinkley, C. Hurlburd, A. Jones, Mrs. Amos Keeney, Mrs. M. A. Kelly, J. T. Knapp, Mrs. S. M. Kingsley, Mrs. Mary L. Kummel, Mrs. Susan L. Leach, E. Lewin, Mrs. F. A. H. Loomis, W. H. Maine, W. McMonegan, Norman Meloney, Mrs. E A. Mills, Orrin Morse, Gad Norton, Guilford Parker, Mrs. E. F. Patridge, John Phillips, James Potter, Mrs. E. L. Randall, Mrs. Emma J. Reed, J. J. Richmond, Miss Susie J. Riggs, Miss Eunice Ripley, Henry C. Roberts, A. T. Robinson, F. S. Rudd, Frank Scholfield, Daniel Stephens, H. C. Stimpson, Mrs. R.L. Sylvester, Lewis W. Taylor, H. L. Thompson, David R. Traux, Mrs. Maria N. Venor, Mrs. E. Williams, and Miss Hattie Wilson, be and they hereby are, constituted a body politic and corporate by the name of the Connecticut Spiritualist Camp-meeting Association, and by that name they and their successors shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts in this state and elsewhere, may adopt a common seal, use and change the same at pleasure, may take by purchase, gift, devise, bequest, or otherwise, and have, hold, and enjoy to themselves and their successors, both real and personal estate, of whatsoever nature, may sell, lease, rent, allot, divide, invest, use, and dispose of the same, and the income therefrom, for religious, charitable, and social purposes. Said association may adopt such lawful by-laws and regulations, not inconsistent with the laws of this state or of the United States, as may be necessary for the well-ordering and management of said association and its property. Said corporation shall be located in the town of Windham.

SECTION 2. The capital stock of this association shall consist of eight thousand dollars, divided into two hundred shares of forty dollars each, transferable as provided by the by-laws. In all matters of elections and business each share shall be entitled to one vote, to be cast by its owner, or by a lawful proxy. Upon application of the owners of a majority of the shares the secretary shall call a special meeting, as requested in said application, by depositing in the post-office, postage paid, a notice fully setting forth the place, time, and objects of the meeting, at least five days before the day of said meeting, to each share-holder at his last known place of residence.

SECTION 3. The officers of this association shall consist of a president, two vice-presidents, a secretary, a treasurer, two auditors, and a board of management to consist of ten members, of which the secretary and treasurer shall be members; the treasurer shall be chairman and the secretary shall be clerk of said board, and a majority of said board shall reside in this state; five of their number shall constitute a quorum. The treasurer shall give satisfactory bonds to the board of management for the faithful discharge of his trusts. The several officers shall hold their respective offices until the third Saturday in August in each year, and until their successors are elected and qualified. The election of all officers shall be by ballot. James E. Hayden of Willimantic is hereby authorized to call the first meeting of the corporators, at Willimantic, as soon as expedient after the passage of this resolution, by depositing in the post-office, postage paid, a notice of the meeting, at least five days before the day of said meeting, to each corporator, at his or her last known place of residence; shall open said meeting and call for a vote by ballot for the acceptance of this resolution, and if the same shall be accepted, then for the election of the officers prescribed in this section.

SECTION 4. Said association may own and operate steam, sail, and other boats in connection with the aforesaid association's camp-grounds, and may construct and maintain on their own water-front, or that of others secured for that purpose, wharves or docks for use in connection with the business of said association, and subject to the law regulating such construction.

APPROVED APRIL 14, 1882

AN ACT AUTHORIZING THE CONNECTICUT SPIRITUALIST CAMP-MEETING ASSOCIATION TO LEVY A TAX

[HOUSE BILL NO. 1462.]
[417.]

SECTION 1. The Connecticut Spiritualist Camp-Meeting Association of East Lyme, incorporated by number 184 of the special acts of 1882, may levy an assessment against the lease-holders thereof of not more than six mills, except as provided in section 2 hereof.

SECTION 2. If said association set an assessment of more than six mills, such assessment must be made subject to the approval by majority vote of the leaseholders and property owners of said association present and voting at a meeting of said leaseholders and property owners to be held within fifteen days of the annual meeting of the stockholders of said association. In the event of disapproval of said assessment of more than six mills, a state referee shall have the power to set an equitable and final assessment rate of no less than six mills.

APPROVED JULY 8, 1955

AN ACT AUTHORIZING THE CONNECTICUT SPIRITUALIST CAMP-MEETING ASSOCIATION TO LEVY A TAX

[SUBSTITUTE FOR HOUSE BILL NO. 1935.]
[619.]

SECTION 1. Section 1 of number 417 of the special acts of 1955 is amended to read as follows: The Connecticut Spiritualist Camp-Meeting Association of East Lyme, incorporated by number 184 of the special acts of 1882, may levy an assessment against the leaseholders and property owners thereof of not more than three mills, except as provided in section 2 hereof.

SECTION 2. Section 2 of said act is amended to read as follows: If said association sets an assessment of more than three mills, such assessment must be made subject to the approval by majority vote of the leaseholders and property owners of said association present and voting at a meeting of said leaseholders and property owners to be held within fifteen days of the annual meeting of the stockholders of said association. In the event of disapproval by a majority of those entitled to vote of said assessment of more than three mills, an appeal may be taken to the court of common pleas within sixty days.

APPROVED JUNE 17, 1957

SPECIAL ACT NO. 75-43

AN ACT CREATING THE PINE GROVE, NIANTIC ASSOCIATION

SECTION 1. The owners and lessees of the freehold interests in the land hereinafter described in section 3 of this act are constituted a body politic and corporate by the name of the Pine Grove, Niantic Association, and by that name, they and their successors shall be a corporation in law with all the privileges set forth for corporations in the general statutes, and the rights, powers, privileges and duties hereinafter set forth, and all such owners shall be members of said association.

SECTION 2. Each member of the association, of the age of eighteen years or over, not otherwise prohibited by law from voting, and each corporate member so long as he or it shall continue to own or lease real estate in said territory, shall be entitled to vote at any meeting of said association and shall be eligible to hold any office therein. All owners or lessees of any interest in any lot or parcel of real estate shall be considered as one owner for the purpose of voting and shall be entitled collectively to cast one undivided vote. Husbands or wives of said owners shall be members of said association but shall not be empowered to vote at any meeting of said association except in the absence of said owners.

SECTION 3. The limits of said association shall include all property taxed by the Connecticut Spiritualist Camp-Meeting Association pursuant to number 417 of the special acts of 1955, as amended by number 619 of the special acts of 1957 to wit:

Northerly, by the South Cove, easterly, by the Niantic River, southerly, by the southerly line of South Street and land of the State of Connecticut and westerly, by South Cove.

SECTION 4. The object of said association is to provide for the improvement of the land in said territory and for the recreation, comfort and convenience of persons living therein. To these ends, and in addition to the powers as are or may be granted to corporations under the general statutes, said association

shall have the following powers: (1) To contract and to be contracted with, to sue and to be sued and to institute, prosecute, maintain and defend any action or proceeding in any court, administrative agency or other tribunal of competent jurisdiction; (2) to make, have and use and, from time to time, to alter, a common seal; (3) to receive, purchase, hold, lease, mortgage, sell, convey, manage, regulate and control such real and personal property as the purposes of the association require, and to provide for the authentication, execution and delivery of deeds, grants and releases of property of the association and evidence of debt issued by the association.

SECTION 5. There shall be a general meeting of the members of said association annually, at a place within the limits of the town of East Lyme and at a date and time to be set by the board of governors, for the election of governors and officers and for the transaction of any business within the powers of said association. In addition there shall also be a general meeting of the members of said association, annually, at a place within the limits of the town of East Lyme and on a date and time, all to be fixed by the board of governors, to transact any business within the powers of said association but principally, to consider and enact a budget for the fiscal year and to set the tax rate for said fiscal year. The fiscal year of the association shall be the same as the fiscal year for the town of East Lyme. Special meetings of the members of said association may be called by the president and shall be called by the president or secretary upon written request of any three members of the board of governors or any fifteen members of said association, stating the purpose thereof and setting out the resolution or resolutions to be presented thereat. Notice of the general and any special meetings of said association shall be in writing over the actual or facsimile signature of the president or secretary, designating the place, date and time thereof and shall be deposited in the United States mails, post paid, at least twelve days, and not more than thirty days, prior to such meeting and shall be addressed to the latest address of each member of said association on file with the secretary, provided further, notice of any special meeting shall state that such meeting shall be limited to the consideration of the specific objects or purposes for which it is called and shall briefly specify those purposes.

SECTION 6. The first meeting of the members of said association shall be held not later than the third Saturday in August, 1975, within the limits of the town of East Lyme. The board of management of the Connecticut Spiritualist Camp-Meeting Association or a majority of them shall constitute a committee which shall warn said first meeting, which warning shall be written or printed and signed by a majority of said committee and a copy shall be posted in a public place within the limits of said association. Notice of such meeting shall be directed to each of said owners, so far as the names may be obtained from the tax collector of the town of East Lyme, by first class mail to the last known address of such landowner at least fifteen days prior to the date of the meeting. The association members on the date of said first meeting shall elect from their members a twelve member board of governors, of whom four shall be designated to serve for three years, four for two years and four for one year. Thereafter, as these initial terms expire, the membership shall elect from the membership at the annual general meeting in August, four governors, each to serve a term of three years. The term of each governor shall commence upon his election and continue until the annual membership meeting in the year in which his term expires except that each may continue to act until his successor is elected and qualifies, provided any governor who ceases to have membership in said association, as established herein, shall automatically cease to be a member of the board of governors. Any vacancy occurring in the membership of the board of governors shall be filled by an appointee approved by a majority of the remaining members of said board until the annual membership meeting next ensuing, at which meeting the members of said association shall elect, as herein prescribed, a member of the board for the unexpired portion of the term. The board of governors shall constitute the

governing body and shall be charged with carrying out the purposes of said association, and carrying out the proper recommendations of the general meetings of said association. They shall control all expenditures pursuant to the budget and supervise the work of all officers and employees. They shall prepare and propose the annual budget, and promote the general welfare of said association. Meetings of the board of governors shall be held at such time and place as said board shall prescribe, and any two governors may call a special meeting by giving five days notice to the other members of the board in writing, in person or by telephone and stating the purpose thereof. A majority of the members of said board shall constitute a quorum.

SECTION 7. At the annual membership meeting, and after having filled all vacancies on the board of governors, said association members shall proceed to elect, from among the members of the board of governors, a president and vice president, and from among the members of said association, a secretary and treasurer. Each officer shall hold office until the annual membership meeting next ensuing and until his successor is elected and qualifies. The same person may serve as secretary and treasurer. The president shall preside over all meeting of the board and of said association, can vote once on any issue, and shall be the chief executive of said association. In the absence of the president, the vice president or secretary or treasurer shall preside, in the order named. The secretary shall sign all warnings and notices, and shall keep a record of all actions of said board and of said association. The treasurer shall keep an account of all monies received and paid out and shall render a report at each annual meeting. The treasurer shall furnish a bond in such amount as the board of governors shall, from time to time, determine, the premium on said bond to be paid by said association, and said treasurer shall be the tax collector for said association. Unless they are elected members of the board of governors, the secretary and treasurer shall have no vote except in such case as they shall be acting as the presiding officer of any meeting of said board. Each officer and committee chairman, shall render a written report of the affairs of his office to the annual meeting of said association, and shall promptly and completely transfer all records or association property to his successor.

SECTION 8. The board of governors shall annually prepare, in writing, a budget, showing in detail, the estimated expenditures for the ensuing fiscal year and present the same to the association annually. The budget so presented, or as amended and changed at said annual meeting by a majority vote of the members present and voting, shall be the budget for the next fiscal year. The board of governors shall not expend monies except for the purpose shown in the budget, nor in an amount exceeding the budget appropriations unless they shall first secure a specific authorization by a vote of said association in general or special meeting.

SECTION 9. At the annual meeting as hereinbefore set forth, of the membership, the association members by a majority vote of those present and voting, shall concurrently adopt a budget for the ensuing fiscal year and levy the taxes needed to balance said budget, provided said levy shall not exceed five mills.

SECTION 10. Parliamentary procedure as set forth in the current edition of ROBERT'S RULES OF ORDER, and as said rules may be amended or hereafter revised, shall govern the association in all cases to which they are applicable and are not inconsistent with the provisions of this Charter.

SECTION 11. This act shall take effect upon its approval by a majority vote of the qualified members of the association voting at a meeting called for that purpose.

APPROVED MAY 30, 1975.

SPECIAL ACT NO. 90-23

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS

Section 1. The commissioner of education having reviewed applications for state grants for public school building projects in accordance with section 10-283 of the general statutes, as amended by section 4 of public act 89-237, on the basis of priorities for such projects and standards for school construction established by the state board of education, and having prepared a listing of all such eligible projects ranked in order of priority as determined by said commissioner together with the amount of estimated grant with respect to each eligible project, and having submitted such listing of eligible projects, prior to December 15, 1989, to a committee of the general assembly established under section 10-283a of the general statutes for the purpose of reviewing such listing, is hereby authorized to enter into grant commitments on behalf of the state in accordance with said section 10-283 with respect to the priority listing of such projects and in such estimated amounts as approved by said committee prior to February 1, 1990, as follows:

Estimated Grant Commitments

		Total Including Interest	
Town	East Lyme	Site & Bldg	Interest Subsidy
School	Jr High	45,336	45,336
Project	#034-RR		

Approved June 6, 1990

Note: Portions of this Act not relating to East Lyme have been omitted.

SPECIAL ACT NO. 90-37

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND IN HARTFORD, NEW MILFORD, ANSONIA AND EAST LYME

Sections 1 through 5 not relating to East Lyme have been omitted.

Sec. 6(a) Notwithstanding any provision of the general statutes to the contrary, the commissioner of correction shall convey to the town of East Lyme, subject to the approval of the state properties review board and for a cost equal to the administrative costs of making such conveyance, a parcel of land located in the town of East Lyme, having an area of approximately ten acres and shown on a map on file in the office of the town clerk of East Lyme, entitled “Town of East Lyme Proposed Site for AHEPA Elderly Housing Complex, Connecticut Route 156 and Roxbury Rd., East Lyme, Connecticut, scale 1”=40’ January 1990.”

(b) The town of East Lyme shall use said parcel of land for an elderly housing project, provided said town may convey the parcel to a person, firm or corporatin for such purpose. If the parcel of land is not used for such purpose, it shall revert to the state of Connecticut.

(c) The state properties review board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the department of correction. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The state treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section and the commissioner of correction shall have the sole responsibility for all other incidents of such conveyance.

Approved June 6, 1990

PA 92-108 - HB 5826
JUDICIARY COMMITTEE
AN ACT CONCERNING COMPOSITION OF THE DEPARTMENT OF CORRECTION

This act adds the following institution to the statutory list of facilities within the Department of Correction:
the J. Bernard Gates Correctional Institution,
Niantic;

(Several others are listed for other Connecticut towns.)
EFFECTIVE DATE: October 1, 1992

SPECIAL ACT NO. 93-34

SUBSTITUTE HOUSE BILL NO 7207

AN ACT CONCERNING THE CONVEYANCE OF STATE LAND IN EAST LYME, MERIDEN AND SOUTH WINDSOR, AN EASEMENT TO THE STATE AT CENTRAL CONNECTICUT STATE UNIVERSITY AND THE TRANSFER OF PROPERTY OF THE DEPARTMENT OF TRANSPORTATION

NOTE: Only portions of this act pertaining to the Town of East Lyme are printed here. The rest has been omitted.

Sec. 5. (a) Notwithstanding any provision of the general statutes to the contrary, the military department shall convey to the town of East Lyme, subject to the approval of the state properties review board and at a cost of one dollar, a parcel of land located between Pine Grove Road and properties now or formerly of Matus, New Castle Homes, Inc., and Perrino, in the Town of East Lyme, having an area of 28,766 square feet and shown on a map entitled “Boundary Survey Showing Land to be Conveyed by the State of Connecticut to the town of East Lyme, Pine Grove Road, East Lyme, Conn., Scale 1” = 50’, March 22, 1993”, prepared by David M. Coonrod L.S.

(b) The town of East Lyme shall use said parcel of land for municipal purposes. If said parcel is not used for said purposes, it shall revert to the state of Connecticut.

(c) The state properites review board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the military department. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The state treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which shall include provisions to carry out the purposes of subsection (b) of this section, and the military department shall have the sole responsibility for all other incidents of such conveyance.

Approved June 6, 1990

PERAMBULATIONS OF TOWN LINE LYME AND EAST LYME

The undersigned on behalf of the Towns of Lyme and East Lyme, did on the 23rd and 30th day of April 1930, perambulate the division line between said Towns, and located and established the following bounds in said line, viz:

I. A pile of stones with bolt and letters, "L, E.L. & O.L." at the south east corner of Lyme, being also the north east corner of Old Lyme and in the westerly line of East Lyme. Said pile of stones is at the foot of a soft maple tree marked "X" on land of Fred Stone, formerly land of Rogers Brothers, and a little easterly from a wall which divided said Rogers land from other land of said Stone, formerly of Esther M. Peck. Said pile of stones is on the southerly side of a brook at site of a saw mill set up near the main cart path leading westerly to the former residence of Mary Peck, and being approximately one mile easterly from the highway leading from Grassy Hill to Laysville.

II. A bedded rock in line of wire fence adjoining land of Daisy R. Chapman and north west side of old Custard Hill Road, about 1 rod from an aged white wood tree and a few feet from a marked hickory. Bolt and letters "L & E.L." in rock with stones about it.

III. Bedded rock with bolt and letters on lands of Clarks Vizin near a small ledge on the northerly side of gateway on cart path leading from the residence of George Soule, Jr. to the old Barnard Johnson place.

IV. An unmarked slab rock set on end with stones about it near two oak trees, and located in woodland of H. Newton Lee, about midway between land of said Vizin and the Parsonage land.

V. Pile of rocks with letters and drill hole on brush pasture of said Lee nearly abreast of the old Sill house and in view of the steeple of Grassy Hill Church.

VI. Bedded rock and marked with bolt and letters where the Grassy Hill-Chesterfield Road turns sharply to the east. Rock is on the south easterly side of the road close to the traveled way and near the old Royce place.

To this point said division line runs a little west of north and the remainder of said line runs slightly east of north.

VII. Bedded rock marked with bolt and located on northerly side of highway leading from Pleasant Valley to Flanders. Said rock lies about 2 rods westerly from a spring near the foot of a hill in said highway and westerly from the house formerly belonging to Walter H. Lee.

VIII. Bedded rock marked with bolt and letters, stones about it in a small ravine north-westerly from said Lee house, about 34 feet north easterly from a corner of stone walls and easterly from a large hickory tree in Lee pasture.

IX. Large pile of stones in birch swamp on Lee farm, about 20 rods south east of Wintergreen ledge and north westerly from old mowing lot. A soft maple tree with flat topped boulder at the foot stands about 20 feet disant (Lee farm).

X. Slab rock set on end marked with bolt and letters, stones about it, set near top of Hoop-prob Hill and about 75 feet from corner of wall. (Lee farm)

XI. Pile of stones, one marked with drill hole, in old pasture in valley about 60 rods westerly of Hoarhound Hill and about 100 feet east of a wall near a butternut grove. (Lee farm)

XII. Pile of stones on westerly slope of Chapman Ridge and on westerly side of division wall between Lee Farm and land of Caroline L. Bill, formerly land of James L. Raymond. Bound is at the foot of a white oak tree and a few feet from a large boulder in said wall, which boulder is marked with bolt and letters.

XIII. Piles of flat rocks near small boulder near head of swamp and pathway and about 50 feet westerly from a range of ledges.

XIV. A square rock set at the foot of a tall oak marked with letters and a bolt in the top, said rock being also a bound of the Town of Salem. This bound is in the line of a wire fence which divides land of said Bill from land now or formerly of one Mostevitz and just east of an old cart path running north and south and close to an old stone wall which runs east and west.

J. Warren Stark and William Maroin, on behalf of Lyme

F.A. Beck with Robert Clark, on behalf of East Lyme

Received April 30, 1940 and recorded by me, William Maroin, Town Clerk
(Note: recorded in either Lyme or Old Lyme)

PROBATE REDISTRICTING

Effective January 5, 2011, An Act Concerning The Recommendations of the Probate Redistricting Commission

By this act, the East Lyme Probate Court expanded to become the Probate Court serving the Towns of East Lyme, Montville, Salem and Old Lyme.

September 2009 Special Session

SPECIAL ACT NO 13-23

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND, THE BOUNDARIES OF FENWICK, THE VALIDATION OF CERTAIN TOWN ACTIONS, THE CITY POINT YACHT CLUB AND WHEELER LIBRARY.

(Only portions of the act concerning the Town of East Lyme are printed here.)

Sec. 7. (a) Notwithstanding any provision of the general statutes, the Commissioner of Correction shall convey to the town of East Lyme a parcel of land located in the town of East Lyme, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately twenty acres and is identified as a portion of the property on Lot 2, on town of East Lyme Tax Assessor's Map 10 on Roxbury Road. The conveyance shall be subject to the approval of the State Properties Review Board.

(b). The town of East Lyme shall use said parcel of land for agricultural, open space and recreational purposes. If the town of East Lyme:

(1) Does not use said parcel for said purposes;
(2) Does not retain ownership for all of said parcel;or
(3) Leases all or any portion of said parcel,

the parcel shall revert to the State of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Correction. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Correction shall have the sole responsibility for all other incidents of such conveyance.